

## CONDITIONS OF APPROVAL

As Approved by the City Council January 27, 1998

*General Plan Amendment No. 97-110-04*

*Specific Plan Amendment No. 97-210-01*

*Zone Change No. 97-120-02*

*PLANNING COMMISSION – JULY 25, 2002*

**PROPOSED ADDITIONS INDICATED BY UNDERLINING AND SHADING**

**~~PROPOSED DELETIONS IN RED AND DOUBLE STRIKETHROUGHS~~**

1. Zone Change Application No. 97-120-01 was approved by the Hayward City Council, as conceptually depicted on the Preliminary Plan, subject to the specific conditions listed below. This Zone Change for a Planned Development District becomes void two years following the date of approval by the City Council, unless before that time a Precise Plan is submitted or an extension is approved. A one-year extension shall be granted by the Director of Community and Economic Development/Planning Director if in the opinion of the Director the applicant/developer has made significant progress but has not yet completed necessary approvals/agreements with the responsible and permitting outside agencies. A request for a second one-year extension, approval of which is not guaranteed, may be submitted to the ~~Development Review Services~~ Planning Division at least 30 days before the expiration date for consideration by the City Council.
2. An administrative use permit is required for parking associated with large events at the Blue Rock Country Club development where the anticipated parking demand exceeds the number of parking stalls available within project parking lots.

### **PRIOR TO THE APPROVAL OF THE PRECISE PLAN**

The Precise Plan shall be in substantial conformance with the approved Preliminary Plan and shall be submitted in conjunction with a tentative map.

3. The Precise Plan for the entire project shall be submitted to the Planning Commission and City Council for review and approval. The Precise Plan shall include drawings exhibiting the following information:
  - a. All mitigation measures indicated in the approved *Mitigation Monitoring Program for Blue Rock Country Club* that affect the physical design of the development shall have been incorporated in the Precise Plan, including but not limited to redesign or relocation of the tennis ~~and swim~~ clubs to save the greatest number possible of mature trees, including coast live oaks, valley oaks, California bays, and big leaf maple trees, and avoidance of all ponds and drainages (or replacement of affected habitat in accordance with United States Fish and Wildlife Service requirements). This may include the reduction in the number of tennis courts or overall size of the swim/tennis center.

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- b. Evidence shall be provided that the developer has or will own approximately 20 acres of East Bay Regional Park property and approximately 57 acres of Roman Catholic Bishop property that is part of the development site.
- c. Residential Lots
  - 1) With the submittal of the Precise Plan, the project developer shall demonstrate to the satisfaction of the City Engineer and Fire Chief that no more than 650 residential dwelling units are located within 1.6 miles from Fire Station No. 5 along the proposed roadways.
  - 2) All villages shall contain a variety of parcel sizes, and all lots shall meet City standards relative to lot dimensions.
  - 3) ~~Lots in Village F shall contain an area equal to or greater than 6,000 square feet.~~ No lot shall be less than 4,000 square feet.
  - 4) No residential units shall be located in Neighborhood G.
  - 5) Lots along the western perimeter of Villages D, and E ~~and F~~ shall be equal to or greater than 10,000 square feet
  - 6) Lots along the western perimeter of Village A shall be equal to or greater than 8,000 square feet.
  - 7) Overall the lot sizes shall be distributed as follows, except that a greater distribution of larger lots would be acceptable:
    - a) ~~11%~~ 9% 4,000 to 4,999 square feet;
    - b) ~~20%~~ 16% 5,000 to 5,999 square feet
    - c) ~~40%~~ 37% 6,000 to 7,999 square feet;
    - d) ~~13%~~ 14% 8,000 to 9,999 square feet;
    - e) ~~10%~~ 13% 10,000 to 11,999 square feet;
    - f) ~~6%~~ 11% 12,000 or greater square feet.
  - 8) The exterior boundaries of the residential neighborhood shall be substantially within the boundaries established on the Preliminary Plan.

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- 9) Building envelopes for each lot shall show front, rear and side yard dimensions. Setbacks between buildings and open space shall be determined by the City in consultation with the agency receiving dedication of the open space.

d. School/Park Site

The Precise Plan shall reflect that the school/park site has been redesigned so that the school site is adjacent to Hayward Boulevard and the park area is to the south end of the area designated for a school/park site.

~~Before submittal of the Precise Plan application,~~ In accordance with the agreement established between the applicant and the Hayward Unified School District (HUSD), the applicant/developer shall ~~enter into a mitigation agreement with the Hayward Unified School District (HUSD) to~~ dedicate to the HUSD a minimum of ~~6.5 acres~~ 11.3 acres and to design and construct an elementary school with core facilities for 650 students and classrooms for 350 students. The agreement shall provide for initiation of construction of the school before issuance of the 25<sup>th</sup> building permit and completion of the school within 12-months of the issuance of the 25<sup>th</sup> building permit. During this 12-month period, certificates of occupancy may be issued provided HUSD indicates states that students residing in the affected dwelling units can be reasonably and adequately accommodated in an existing school. Subsequent to the 12-month period, certificates of occupancy shall be issued upon completion of the school.

Prior to issuance of the first final map, ~~The applicant/developer shall execute an agreement with the City to dedicate to the City that includes a reversionary clause, or other appropriate binding measure intended to allow the City to take possession of the 5 acres of parkland adjacent to the school site at any time in the future should the property no longer be used for park purposes. The park shall be~~ in an adequate configuration that is acceptable to the City in consultation with HARD, to grade the property and to identify specific improvement needs and responsibilities.

e. Neighborhood Parks

The size of the neighborhood parks shall be 5.25 acres, ~~at least as large as the neighborhood parks depicted on the Preliminary Plan dated December 10, 1997, except reductions up to 30% per neighborhood will be allowed as long as each remaining neighborhood park is on a single parcel. Any reduction in total acreage will be relocated to the former Neighborhood G location. The former Neighborhood G location will include a park with a minimum of two acres. This two-acre park may be reduced to one acre, if an additional one-acre park is created elsewhere on the site.~~

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f. Golf Course

A plan for the entire golf course facility, which shall include detailed golf course layout, conceptual landscaping which shall consist of drought tolerant landscaping, maintenance building, snack bar plans, elevations, color and material samples, parking, details of decorative pavement, benches, lighting, signs, fencing, railings, walls and any other information that may be required in order to adequately evaluate the golf course. There shall be no vertical cuts in excess of 20-feet vertical within the southerly nine holes (the back nine) of the golf course.

The driving range shall not be lighted, and driving range grading shall be minimized. The golf clubhouse and maintenance building should avoid large visible wall surfaces, be articulated to step back building heights along the southeast elevation, use plantings to break up long horizontal lines along the southwest façade and emphasize natural-appearing materials. The applicant/developer shall continue to work with City staff on a suitable location for the maintenance building ~~and Lake A.~~

The golf course shall be designed to minimize the amount of high maintenance turf grasses where possible. Turf grasses shall be used that require less fertilization such as fescues and ryegrass for larger areas of turf grass. Leave areas between golf holes in naturalized grasses to catch and obstruct runoff. Where this is not possible, such as where there are long continuous slopes, grade areas between golf holes to minimize high velocity flows.

To the extent possible working with USFWS and CDFG, golf course fairways shall not be located within the watershed of ponds or drainages to be preserved. Orchard trees shall not be planted on the golf course; rather, the areas where orchard trees are currently proposed shall be left as natural non-native annual grassland habitat for the whipsnake.

g. ~~Tennis and Swim Club~~

~~The tennis and swim club shall be relocated as reflected on the revised preliminary plan and as noted above in condition of approval number 3.a. A small commercial area shall be included within a the swim/tennis club, which sells items for recreational refreshment and items that are frequently purchased by homeowners (e.g., milk, bread).~~ A commercial area shall be located within the Golf Course club house.

h. Responsible and Permitting Agencies

Included with the Precise Plan shall be evidence that the applicant/developer has initiated coordination and received an indication of approval in concept from the responsible and permitting agencies, including the Environmental Protection Agency; the U.S. Army Corps of Engineers for impacted wetlands; the State



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Department of Fish and Game, the federal Fish and Wildlife Service; the Regional Water Quality Control Board; and the Bay Area Air Quality Management District to assure that the project design evaluated in the SEIR is feasible in light of potential agency requirements. The Precise Plan shall reflect any physical changes to the development required of the permitting agencies.

i. Alameda Whipsnake Mitigation Plan

The developer/applicant shall obtain State and federal agency approvals authorizing the "incidental take" of Alameda Whipsnake habitat and shall prepare a Alameda Whipsnake Mitigation Plan, unless the City receives satisfactory evidence from the responsible and permitting agencies that recommendations of State and federal agencies that affect the physical layout of the project are reflected on the Precise Plan.

Suitable buffers shall be established between development and suitable whipsnake habitat. Rock outcrops shall be placed within the wildlife corridor to provide cover and foraging habitat for the whipsnake. Rock outcrops shall be placed ~~on the south facing slope of the drainages and shall be well drained~~ in accordance with habitat mitigation plans approved by responsible agencies and by the City's Landscape Architect.

j. Springtime plant survey

A rare (and special status) plant survey in accordance with California Department of Fish and Game Guidelines for Assessing the Effects of Proposed Developments on Rare Plants and Plant Communities shall be conducted on the site at the time of year when potentially occurring special status plant species are evident and identifiable and prior to the issuance of a grading permit. The survey report should include a detailed description of survey methodology, dates of the field surveys, maps of all surveyed areas, and copies of all California Native Species Field Forms and be subject to the review and approval of the Department of Fish and Game. If avoidance of special plant species is not feasible, the applicant/developer shall enter into a Mitigation Agreement with the State Department of Fish and Game.

k. San Francisco Dusky-Footed Woodrat Surveys

A survey by the applicant/developer's biological consultant shall be conducted in all oak habitats within the proposed development area. If the species is observed on the site in an area that would be affected by the project, the Department of Fish and Game shall be contacted to evaluate any mitigation measures, which may

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include avoidance of their habitat or relocation of the woodrats to suitable habitat in the proposed onsite open space area.

**l. Greater Western Mastiff, Pacific Western Big Eared and Myotis Bat Surveys**

A survey by the applicant/developer's biological consultant shall be conducted in all oak habitats within the proposed development area. If any special-status bat species are observed on the site, in an area where they would be affected by the project as proposed, the Department of Fish and Game shall be contacted to evaluate any proposed mitigation measures, which may include avoidance of the habitat or eviction and construction of bat houses in the proposed onsite open space area.

**m. Section 7 Consultation for California Red-legged frogs**

Ponds and drainages on the project site should be avoided to the greatest extent practicable so that California red-legged frogs are not affected by the project. If avoidance is not possible, the applicant/developer shall cooperate with the Army Corps. Of Engineers in initiating a Section 7 consultation with the US Fish and Wildlife Service. Creation of 10 to 14 ponds totaling approximately 8 to 9 acres and restoration of approximately 13,360 linear feet of stream channel are anticipated mitigation measures.

The applicant/developer shall identify a funding mechanism, e.g., a maintenance district that will serve in perpetuity to oversee the maintenance of created red-legged frog habitat. The entity, or district, will be responsible for annual dewatering of created ponds, and shall include a silt removal program and other remedial management measures as necessary to guarantee that mitigation objectives are met. If golf course personnel or the homeowners' association is assigned oversight of this program, a fully detailed set of procedures shall be developed by a qualified biologist prior to the opening of the golf course.

**n. Public and Private Improvements**

All public and private improvements, including a design for the entry center shall conform to the City's Off-street Parking Regulations, including "Controlled Access" requirements, and shall include guard parking, turn-around and pedestrian access and a decorative paving pattern.

**o. Open Space - Public and private open spaces;**

- 1) The property owner(s) shall execute an agreement to dedicate in perpetuity the undeveloped open space to a public agency such as the East Bay Regional Park District (EBRPD) or to a non-profit foundation or trust with the expertise to manage open space lands and wildlife resources.

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- 2) The applicant/developer shall ~~obtain written approval from the EBRPD for the final trail alignment work with the U. S. Fish and Wildlife Service (US F&WS) to determine a trail alignment system that satisfies both entities.~~ Said alignment shall generally conform to the alignment as shown in the Walpert Ridge Specific Plan.
- 3) The applicant/developer's agreement with the EBRPD shall not alter the ownership and management of the Honcharenko Home and Worship site by the East Bay Regional Park District.
- 4) An archaeologist shall formally record the two historic sites and the three historic isolates on the Roman Catholic Diocese property.
- 5) The applicant/developer shall provide a preliminary enhancement plan that shows proposed enhancement of natural habitats on the project site that are outside of the development footprint. Enhancement of non-native annual grassland shall include 1) seeding and/or planting plugs of native California grass species in proposed open space areas and on graded slopes and 2) minimizing the amount of golf course turf area to the greatest extent possible. Enhancement of the oak forests and coastal sage scrub should include planting of native trees and shrubs typical of those plant communities.

**p. Landscaping and Site Amenities within Landscape Areas**

Conceptual landscaping and site amenities plans for all public and private landscaped areas, including the neighborhood parks, shall incorporate the following measures enumerated below. A detailed landscaping and site amenities plan for these areas shall be provided prior to approval of the first final map.

- 1) Placement of natural-appearing arrays of native planting (coast live oak, California laurel, etc.) within the southwestern project areas visible from Garin Park, and especially within the transitional areas between the project development area and the park;
- 2) Retention (or relocation when retention is not possible) of natural-appearing rock outcroppings throughout the transitional area;
- 3) Incorporation of natural-appearing landscaping elements throughout the visible, southwestern hillside portions of the golf course, including groupings of native trees (coast live oaks, etc.), and preserved or reconstructed, natural-appearing, rock outcroppings;
- 4) Incorporation of natural-appearing landscape elements and grading techniques within those golf course and common landscape areas that are on the ridgeline and upper slopes of the project development;

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- 5) Incorporation of tree and shrub planting between houses and within rear lots to break repetitive housing rooflines and to provide “green breaks” between adjacent houses;
- 6) Incorporation of plantings on the exterior slopes leading up to the residential development with natural-appearing trees and shrubs that will block views of lower elevations of houses without restricting homeowners views;
- 7) Incorporation of side-lot and rear-lot plantings to provide “green breaks” between adjacent houses;
- 8) Incorporation of plantings to break up long horizontal lines along the southwest façade of the maintenance building and golf clubhouse structure;
- 9) Incorporation of natural-appearing clusters and arrays in common area landscaping along the southwestern edge of the project;
- 10) Prohibition on the introduction of incongruous appearing and, in particular, conspicuously tall, plant species on the upper slopes and ridgelines of the project (i.e., trees that may be visually conspicuous in short-, middle- and long-range views); and
- 11) Prior to approval of the first final map, a ~~Tree Preservation and Mitigation Management Plan~~ that includes a tree survey showing location, size and species of onsite trees 10-inches or more in diameter at 24-inches in height and includes provisions for tree replacement, irrigation, and monitoring as indicated in the Supplemental Environmental Impact Report. The Plan shall provide a detailed re-vegetation plan showing where the required mitigation trees are to be located; how they are to be installed; how they will be protected from deer, cattle or other hazards; and a proposed monitoring plan. The plan shall be reviewed and approved by the City Landscape Architect. The plan shall show how natural appearing plant communities and oak wood-land forests will be achieved. Trees that are planted to mitigate wetlands, rock outcroppings and knobs shall be in addition to these required trees to the extent possible without interfering with issues associated with the need to create natural-appearing conditions and fire management plans.
- 12) Incorporation of landscape screening around the reservoirs
- 13) Incorporation of ~~dense~~ landscaping to separate the development from natural open space adjacent to development as determined by the City in consultation with the agency receiving dedication of the open space.

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- q. Details for decorative street paving;
- r. Details of decorative street light fixture standards;
- s. Walls and fences

Details, including color and material samples, shall be submitted to the Planning Director for the project entry fences and walls and any sound walls. The fencing along Hayward Boulevard/Fairview Avenue shall reflect the natural materials of the site, such as natural stone. A detailed analysis shall be provided of noise reduction requirements for project residential neighborhoods located closer than 100 feet from the project's main access road and for the school site. This analysis should provide required wall heights and design to achieve acceptable noise levels in usable outdoor spaces (60dBA Ldn) and any supplemental noise insulation features to achieve acceptable indoor noise levels on second stories of homes (45 dBA Ldn).

- Fencing for private yards.
- Fencing to surround the development and to separate the development from the natural open space area as determined by the agency receiving dedication of the open space. The fencing along the open space shall be view fencing – not chain link.
- Exposed retaining walls shall be stone faced or utilize other decorative materials, including landscape elements, as approved by the Planning Director ~~decorative~~ and shall be a maximum of 6 feet in height. If taller retaining walls are necessary because there is no practical alternative, a minimum separation of 6 feet shall be required between parallel walls and a 15 foot separation shall be required for a third wall and/or the wall shall be designed as a decorative element, such as a waterfall or be decorated with a mural or other artwork.
- Safety railings and barricades.
- Fencing, which will form a whipsnake barrier, shall be installed in accordance with the Environmental Impact Report and as determined necessary by the responsible and permitting agencies to mitigate impacts on the Whipsnake.
- Where lots are padded then drop or rise significantly, solid fencing shall be limited to surround the padded area only. Other fencing, if any, shall provide for views.
- Solid fences or walls facing streets shall be located to provide the following minimum landscape setbacks between the fence/wall and the sidewalk, or curb where the sidewalk is deleted: 33-feet along Fairview Avenue, 10-feet along

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Hayward Boulevard, 20-feet along the entry/ridge drive and 10-feet at all other locations.

- Long continuous fences or walls located parallel to public streets should be avoided, but where necessary, should exhibit variations in setback and height.

t. Signs

Details, including color and material samples for signs shall be provided, including project identification signs, traffic- and parking-related signs, street signs, commercial and residential signs. A project identification sign may be located at the main roadway entrance on Hayward Boulevard/Fairview Avenue and shall provide a minimum setback of 10 feet from property lines and a maximum height of 4 feet. All signs shall be of natural, or natural-appearing materials and shall not incorporate internal lighting.

- u. Details, including color and material samples, for the bus shelter, shall be provided prior to approval of the first final map.
- v. Design Guidelines shall be provided by the applicant/developer that address quality architectural guidelines, site planning guidelines, lot and streetscape guidelines, landscaping guidelines, and golf course guidelines. The Design Guidelines shall be in the format of the Draft Preliminary Design Guidelines, dated December 1, 1997.
- w. Phasing Plan - Each phase of the Precise Development Plan shall provide sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule. If portions of the development are transferred to other developers, each portion shall include all associated improvements as indicated in the phasing plan below. The phasing plan shall include, but not be limited to, the following unless otherwise approved by the City Council during the review of the precise plan:
  - **Phase One:**
    - Mass grading of the site.
    - Village A
    - School and Park Construction
    - Blue Rock Drive from Entry to Clubhouse
    - All 18 holes of the golf course and related road access, including construction of the Garin Park Lane Trail and a portion of the Ridge Trail
    - Golf course maintenance facility
    - 1.80 MG reservoir and pumping station, water transmission line to the 1530 reservoir site, and the first of the two 2.855 million gallon reservoirs and related road access.

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- o Two residential parks, 2 mini-parks, and paseo
  - Information Center
  - **Phase Two:**
    - o Residential development of Village ~~A~~ B
    - o One parkland paseo
    - ~~School construction and preparation of the park site. Construction of the school shall begin prior to issuance of the 25<sup>th</sup> building permit.~~
    - ~~Construction of the first 9 holes of the golf course and related road access.~~
    - ~~Construction of the 1285 pumping station, the water transmission line to the 1490 reservoir and one 1.15 million gallon reservoir and related road access.~~
  - **Phase Three:**
    - ~~Construction of the back 9 holes of the golf course and the maintenance building prior to the commencement of Villages B & D~~
    - o Residential development of Villages ~~B and D~~ C
    - o Construction of second 2.855 million gallon reservoir
    - o Paseo
  - **Phase 4:**
    - o Construction of Villages ~~E~~ D.
    - o ~~Construction of the other 1.15 million gallon reservoir before issuance of certificate of occupancy for approximately 350 units.~~
    - o ~~Construction of the tennis and swim club.~~
    - o Sewer Lift Station and Force Main
    - o Residential Park and Paseo
  - **Phase 5:**
    - Construction of Villages ~~E and F~~
    - o Construction of the Golf Clubhouse
    - o Two residential parks, including tennis courts and paseo
- x. Fuel Management Plan - Prior to approval of the Precise Plan, a fire management consultant shall develop a Fuel Management Plan funded by the applicant/developer. The plan will establish the width of the fuel management zone and specify on-going fuel management requirements, which will be the responsibility of the applicant/developer, property owners and/or the homeowner's association to fund and implement. The Fuel Management Plan shall be established to ensure the safety of residents. The fuel management plan shall include components such as:

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- Fire-resistant and drought-tolerant landscaping
  - Fuel management zones
  - Designation of responsibility for administering the fuel Management Plan.
  - Mosaic islands
  - Shaded fuel breaks
  - Homeowner education
- y. Where removal of sensitive landscape features such as Rocky Knoll is unavoidable, the Precise Development Plan shall provide for reconstructed knobs using onsite stones grouped in natural clusters throughout the golf course and in some common landscape areas.
- z. Any additional information that may be required in order to adequately evaluate the precise development plan, as determined by the Director of Community and Economic Development/Planning Director.
4. Street lighting on all public and private streets, including lighting along paseos, trails, paths, tennis courts, and parks, shall be per City's rural lighting standards (SD-120) and the Walpert Ridge Specific Plan. Street light fixtures shall be shielded and directed downward to minimize glare into adjacent residences or into the skyline. Specialty street light fixtures shall be submitted for the review and approval of the City Engineer and Planning Director.
5. The Precise Plan and Tentative Tract Map shall include design criteria for the water reservoirs, which shall address such factors as location, topographic separation, grading, setbacks from other uses, architectural design and landscape screening. To reduce the visual impacts, trees should be planted, and if possible earth berming created, to screen the water tank from view. The tank shall be painted a low-gloss paint in a color that blends with the natural environment. Approval shall include agreement by AT&T and the City.

**PRIOR TO THE APPROVAL OF THE TENTATIVE TRACT MAP**

6. In conjunction with the Precise Plan, applicant/developer shall submit a Tentative Subdivision Map application for the entire project and a phasing and implementation plan for construction of all site improvements associated with the development of the tract(s). Said tentative subdivision map application and said phasing and implementation plan shall meet all City standards and submittal requirements except as expressly approved for this Planned Development. The following information shall be submitted with or in



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conjunction with a tentative subdivision map application and with the phasing and implementation plan. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans:

- a. A detailed drainage plan, to be approved by the ACFCWCD and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a 10-year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed drainage plan shall be approved by the ACFCWD prior to issuance of the first final map.
- b. ~~A detailed plan~~ conceptual plan showing that adequate maintenance access will be provided to the proposed detention facilities. The plan shall include an all weather surface on the road and that easy access is provided to the outlet structure in each pond allowing the removal of debris during storm events, and that each site be fenced and secured adequately. The plan shall be approved by the City Engineer prior to approval of the first final map.
- c. A detailed drainage and erosion control plan, following City ordinances and conforming to Regional Water Quality Control Board's "Staff recommendation for new and redevelopment controls for storm water programs."
- d. A detailed sewer service improvement plan, to be approved by the City Engineer, which includes improvements identified in the Environmental Impact Report as mitigations and in the City's Wastewater Collection System Master Plan, including any sanitary sewer pumping stations. The plan shall include an investigation of the adequacy of the existing sanitary sewer system on Hayward Boulevard upstream of Parkside Drive and on Barn Rock Court. Maintenance of any maintenance access roads and/or sanitary sewer pumping stations shall be financed by the homeowners' association, or other financing mechanism other than the City.
- e. A detailed water service improvement plan, to be approved by the City Engineer, which includes improvements identified in the Environmental Impact Report as mitigations and in a water report to be prepared for this development. ~~report dated June 30, 1997, titled Analysis of Water Facilities for the Proposed Walpert Ridge Development including Blue Rock Country Club.~~

Should the applicant/developer provide a comprehensive water system study for the development prepared by a qualified consultant that provides an alternative water service improvement plan, the City may consider such alternative plan and substitute alternative conditions as appropriate. The water service improvement plan may propose replacement ~~shall show a realignment~~ of the existing 1285

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water tank, transmission line, and access road. The City shall have sole and complete approval authority over the design and construction of the 1285 replacement water system, including lot size, access, placement, landscaping, etc.

The applicant/developer shall investigate and develop, as feasible, groundwater resources as a supplemental source of water for irrigation of the managed golf course and park turf areas.

The applicant/developer shall provide a water supply report for the Carden property for the review and approval of the City Engineer that 1)determines that the proposed development will not have a negative affect on the existing water supply for the Carden property, or 2) provides that the contractor for the proposed development construct a new well in a suitable location that can maintain that current water supply, or 3)provides that the contractor install a point of connection from the proposed development's water supply to Carden property in a suitable location. The report shall propose how the applicant/developer will supply potable water to the Carden property during all phases of grading, construction and thereafter, if the current water source becomes inadequate.

f. Tentative grading plan

- Shall reflect that grading will be generally confined within the parameters established in the Preliminary Plan.
- Shall reflect that padded lots are permitted.
- Shall refine the project layout and grading plan indicated on the Preliminary Plan for the southwestern portions of the development area visible from Garin Regional Park (includes the areas leading up to residential ~~Clusters E and F~~, Village E as well as golf course holes 6-9 and 18, and the golf clubhouse area) to achieve the following: 1) to the extent feasible grading cuts for the south 9 holes shall be less than 20 vertical feet; 2) grading in the ball landing area of the driving practice range shall be minimized; and 3) grading shall be at least 75-feet and preferably 100-feet away from the top of Three Oak Knoll.
- Shall show that, as a result of the grading, a natural-appearing, undulating finished topography will be created. To the extent possible, grading shall be accomplished in accordance with the Walpert Ridge Specific Plan recommended "landform grading techniques" for the ridges and slopes in view of the park; and, to the extent possible, the grading plan shall be consistent with the City's Hillside Design Guidelines calling for minimizing grading and for the blending of cut and fill slopes with existing slope characteristics to achieve a more natural topographic appearance.

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- Shall reflect that the overall extent of cut and fill has been reduced and the blending of cut and fill slopes with the existing natural slopes shall be improved. The approximate cut and fill amounts shall be stated.
  - Shall show a reduction of the depth of grading within the golf course particularly along the main ridge crest and secondary ridges.
  - Shall show a reduction in the amount of fill under the swim/tennis center to the greatest extent possible.
  - Shall show the grading required for the private portion of Garin Park Lane
  - The vertical height of manufactured slopes generally should not exceed a total of 25-feet located between back-to-back lots or adjacent to open space, and should not exceed a total of 12-feet where located along/between sideyards.
- g. A phasing and implementation plan for construction of all site improvements associated with the development of the tract(s).
- h. Areas to be devoted to private conservation easements.
- i. The specific boundary and location of any realigned access easements to the Carden property.
7. The applicant/developer shall submit a detailed soils and geotechnical report, analyzing soil and fill expansion and liquefaction potentials, soil preparation, grading, and building foundation designs. Site specific reports shall be prepared by a licensed Geotechnical Engineer and Certified Engineering Geologist for the proposed water tanks, water pumping station, sewer pumping station(s), clubhouse, ~~and school and swim center~~. The reports shall include slope stability analysis for the slopes. The analysis shall be supported by investigation of site-specific conditions that shall include but not be limited to the following information:
- a. estimated recency of slope failures and potential for continued movement;
  - b. depth of any existing landslides, colluvial deposits, or weathered bedrock and characterization of slide plane(s), if present;
  - c. shear strength data for subsurface materials at the project site;
  - d. groundwater level data that characterizes seasonal fluctuations;
  - e. justification of seismic coefficient used in pseudo-static analysis; and

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- f. if necessary, recommendations for control of surface drainage, adequate groundwater drainage, and slide mass removal or stabilization.
8. The applicant/developer's noise engineer shall submit a detailed noise analysis of noise reduction requirements for the project residential neighborhoods located closer than 100-feet from the project's main access road or Fairview Avenue. If found to be necessary, this analysis shall provide required wall heights and design to achieve acceptable noise levels in usable outdoor spaces (60dBA Ldn) and any supplemental noise insulation features to achieve acceptable indoor levels on second stories of homes (45 dBA Ldn). The noise engineer shall also submit a detailed noise analysis of noise reduction requirements for the onsite school, and require noise attenuation measures to reduce noise levels to 45 dBA Leq, between the hours of 7:00 AM and 5:00 PM.
9. The internal street circulation, including roundabouts, street connections and turning radii, shall require further evaluation prior to the approval of the ~~tentative tract~~ **first final** map to ensure proper design, street cross-sections, safety, traffic controls, signals, etc. Pedestrian inter-connections between residential areas, recreational areas, the elementary school and open space should be provided; ~~generally this will require as a minimum a sidewalk on one side of each street.~~ The applicant/developer shall continue to work with HARD, HUSD, City staff and the owner(s) of the Carden property to 1) provide a more easterly, straighter alignment of Garin Park Lane, which may encroach into the Carden property approximately 80 feet, and 2) allow for grading on the Carden property to provide for a larger, more level elementary school/park site. The applicant/developer shall show adequate access to for PG&E to the PG&E easement.
10. Design criteria and geometrics for local streets shall be based on a design speed of 25 miles per hour. Horizontal curves on minor loop streets may be reduced to 150-foot centerline radius.
11. Street grades shall not exceed 12 percent, except that a maximum grade of 15 percent may be allowed for short segments where a steep grade cannot be avoided. Roads will have a minimum unobstructed drivable width of 24-feet per City standards. Cul-de-sacs will be a minimum 80-feet in diameter.
12. All lots shall be at an elevation low enough that the proposed reservoirs will be able to provide acceptable water pressure for both the domestic and fire sprinkler system to the highest building.
13. The developer shall identify a funding mechanism for street sweeping, striping and maintenance and for landscape and detention basin maintenance.
14. If septic tanks are proposed for the golf course and maintenance building restrooms, the developer shall submit a detailed study of the feasibility of using septic tanks, including percolation tests for review and approval by the Alameda County Health Care Services Agency and the City Engineer.

**PRIOR TO THE APPROVAL, OR RECORDATION, OF FINAL MAP**

**(“Final map” as used hereafter refers to final maps that include lots for residential development)**

15. Dedication of undeveloped open space.

- The property owner shall voluntarily gift in perpetuity approximately an additional 1000-acres (gross) of land for open space, as conceptually depicted on the precise development plan, to the appropriate caretaker agency, e.g., East Bay Regional Park District (EBRPD), once mitigation measures required to be established within the open space area have been completed by the applicant/developer. Such dedications, including any realignment of the EBRPD access easement, may occur on a phased basis in conjunction with each final map and in accordance with the agreement between the applicant and EBRPD.
- The applicant/developer shall agree to the formation of a “zone of benefit” to assess homeowners within the project an annual fee for their proportionate share of the open space maintenance, local trail, fencing, and related improvements. The “zone of benefit” district shall also fund any long-term maintenance of items listed as mitigation measures, such as maintenance of whipsnake habitat and management of wetlands. The specific amount of the fee shall be determined between EBRPD and the applicant.
- If the land is dedicated to the EBRPD or another open space agency, the property shall be conveyed with the expressed provision that development of these areas shall be limited to construction of trails, signs, fencing, fire roads, erosion/water control structures, similar improvements and any required mitigation measures.
- An open space management plan shall address the management of the replacement wetlands, if required by the U.S. Army Corps of Engineers. Enhancement of existing wetlands may also be required. Any necessary enhancements, such as mitigation measures and as included in condition of approval 3.o, shall be performed by the developer/applicant prior to dedication to the EBRPD or other agency, unless an agreement for the developer/ applicant to enter and construct such enhancements is executed between the applicant/ developer and EBRPD or other agency.
- A mechanism for financing the management of wetlands acceptable to the responsible and permitting agencies and the Director of Community and Economic Development/Planning Director shall be identified prior to approval of first final map or grading and construction plans, or these areas shall be dedicated to a public agency or non-profit foundation that is willing to accept management responsibility.
- In conjunction with the open space land dedication, the applicant/developer shall install dense landscaping, unless existing vegetation is considered adequate by the

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City Landscape Architect, and fencing in Neighborhoods A and other portions of the project that would adjoin designated open space areas that may be used for cattle grazing. The applicant/developer shall also install "No Trespassing" signs.

16. Before approval of each final map, an easement for the Bay Area Ridge Trail and/or the related trail staging areas, which are on or adjacent to the map, shall be dedicated to the EBRPD or other appropriate caretaker agency.
17. Before or concurrent with the recordation of each final map, record a scenic and conservation easement covering all other common open space which will remain in private ownership; this easement shall require the open space to be maintained by the homeowners' association in a manner compatible with the surrounding natural conditions.
18. Before approval of the first final map, the owner shall dedicate an approximately 2-acre reservoir site at an elevation high enough to provide acceptable water service pressure for both domestic and fire sprinkler systems to the highest proposed building site and to provide adequate flow and pressure to the highest required fire hydrant. **The owner shall also dedicate land required for the new 1285 reservoir site.**
19. Any common area open space, which is not dedicated to and accepted by the EBRPD or other responsible agency, shall be owned and maintained by the homeowners association or the golf course operator, unless an agreement is reached between the EBRPD and the homeowners' association that EBRPD manage and maintain the open space. Before approval of each final map, a scenic and conservation easement, which will restrict development, shall be dedicated and recorded as to all of the private open space located outside of each residential or commercial lot.
20. Before approval of the first final map or of grading and improvement plans, the applicant/developer shall obtain from the California Department of Fish and Game (CDFG), a Management Authorization (MA) and/or Memorandum of Agreement (MOA) for rare or threatened species pursuant to Fish and Game Code, Section 2081. Authorization from the United States Fish and Wildlife Service (USFWS) shall also be obtained. The precise delineation and amount of impacted habitat and compensation areas, including details for enhancement, preservation, and ongoing maintenance, shall be stipulated in the MA and/or MOA. These agreements shall be prepared in cooperation with the East Bay Regional Park District (or other responsible agency) to assure their acceptance of any long range responsibilities and to assure the establishment of sufficient funding within a "zone of benefit" or other financing mechanism.
21. The applicant/developer shall obtain any required permits from the U.S. Army Corps of Engineers for impacted wetlands prior to approval of the first final map or grading and improvement plans for the development and shall dedicate any proposed mitigation sites in perpetuity by a conservation easement, other suitable easement or Fee Title transfer of the property to a suitable conservation organization.

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22. Prior to approval of the first final map or grading and improvement plans, a Slope Management Program shall be developed and implemented by a Certified Engineering Geologist or licensed Geotechnical Engineer, who shall be responsible for the identification and remediation of unstable slopes. The Slope Management Program shall identify the types of on-site hazards, and shall include an appropriate periodic monitoring plan for constructed slopes and their associated drainage systems. The program shall establish a procedure for response to slope failures affecting project improvements including the surface drainage system. The applicant/developer shall place deed restrictions, easements or other appropriate legal instruments on all slopes on private property to allow monitoring and remediation activities and to require property owners to maintain appropriate landscaping and irrigation procedures.
23. The applicant/developer shall establish a Homeowners' Association, or some alternate mechanism acceptable to the City, and prepare project CC&R's for the entire development which shall be reviewed and approved by the Planning Director and City Attorney before approval of the first final map and include the following information,
  - a. A restriction against storing recreational vehicles, trailers or trailer-hauled boats within front yards or on driveway aprons of all properties, or private streets;
  - b. A requirement that the garage of each unit be maintained for off-street parking and shall not be converted to living area;
  - c. A requirement that individual garbage can(s) and recycling containers be stored within the garage or fenced in side yard area of each dwelling unit except on pick-up day;
  - d. A requirement that no external individual television, telephone, or radio transmission or reception antennas shall be permitted and that television reception dishes shall be limited to a maximum of 18 inches in diameter, unless otherwise allowed by the City of Hayward.
  - e. Mechanical equipment, such as air conditioners and heating units, shall be prohibited on roofs;
  - f. A requirement that enclosed accessory structures (i.e., sheds, workshops, etc.) may be installed in the rear or side yards of those properties along the tops of slopes and next to open spaces only with the approval of the homeowners' association and the Director of Community and Economic Development/Planning Director;
  - g. A requirement that all accessory structures (i.e., patio covers, trellises, pools, spas, etc.) and fencing/walls in the rear yards of those properties along the tops of slopes must be reviewed and approved by the homeowners' association and the

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Director of Community and Economic Development/Planning Director to ensure minimum visual impact;

- h. A requirement that landscaping be installed and properly maintained in the rear yards of those properties along the tops of slopes and next to open spaces;
- i. A requirement that a homeowners' association architectural review committee be established to review and approve all exterior improvements or changes to individual homes to ensure consistency with the CC&Rs;
- j. A requirement that a professional management company ultimately be responsible for managing the homeowners' association;
- k. A requirement that the homeowners' association be authorized to implement and enforce the Fuel Management Plan. The homeowners' association, or the applicant/developer before the homeowners' association becomes active, shall be responsible for funding, inspection and maintenance of common open space, the manufactured slopes, fuel management/buffer zones, including annual vegetation management of the fire access points;
- l. Individual homeowners, or the homeowners' association, shall be responsible for ensuring that private open space within each lot is maintained, with enforcement authority provided to the homeowners' association and the City;
- m. A requirement that the homeowners' association fund and implement the on-going relevant requirements of the revised Fire/Emergency Medical Services Mitigation Plan;
- n. A requirement that the homeowners' association be authorized to enforce emergency measures during periods of high air pollution, as determined by the Bay Area Air Quality Management District, such as curtailing the use of barbecues and wood-burning stoves and fireplaces;
- o. A requirement that the homeowners' association be authorized to strictly enforce a leash law and other controls to prevent disturbance of the local biota by domestic pets;
- p. A requirement that the homeowners' association be authorized to limit the use of pesticides, herbicides and fertilizers in the residential common-area landscaping and in the homeowners' association maintained open space portions of the project and to require that all pesticide and herbicides be those approved by the Environmental Protection Agency;



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- q. A requirement which prohibits the residential use of landscape illumination that provides up-lighting of trees and wall washes that are visible from outside the properties within the Walpert Ridge Specific Plan ~~project development~~ area.
- r. A requirement that the homeowners' association be authorized to preserve native trees and to replant any trees that may have to be removed in the common areas and open space areas;
- s. A requirement that the homeowners' association shall also be responsible for ensuring that green waste from the common areas and open space areas will be recycled or composted;
- t. A requirement that the homeowners' association shall be responsible for enforcement of the Slope Management Program and timely remediation of any identified slope problems;
- u. A requirement that the homeowners' association shall be responsible for cleaning all on-site storm drains and catch basins at least once a year within the month prior to October 15. Additional cleaning may be required by the City Engineer. The homeowners' association shall also be responsible for the operation and maintenance of the proposed detention basins unless Alameda County Flood Control District agrees to assume the maintenance responsibility and shall also be responsible for maintaining biological oil and grease removal systems in the storm drain system. The homeowners' association shall submit annual reports to the City Engineer and cover costs for City review.
- v. A requirement that the homeowners' association investigate the feasibility of the following transportation system management (TSM) measures:
  - 1) Support peak period van or shuttle bus service between the project site and BART stations in downtown Hayward and/or Castro Valley;
  - 2) Arrange vanpool service and shuttle bus service to major employment locations, e.g. Hacienda Business Park and Bishop Ranch;
  - 3) Provide a ride board or other means of matching Walpert Ridge residents with carpool or vanpool participants. The services of RIDES for Bay Area Commuters could be utilized to match potential car/van poolers;
  - 4) Expand the potential base for the above TSM measures by coordinating efforts with similar programs at other large developments such as Five Canyons and Palomares Hills; and
  - 5) Provide bicycle parking spaces at the parks and golf clubhouse and clothes lockers at the ~~swim/tennis club~~ and golf clubhouse.

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Any private van or shuttle service should be planned or implemented with input from AC Transit and would not be funded by the City.

- w. A requirement that the homeowners' association implement the management plan for monitoring, enforcing, and reporting on post-construction BMPs for maintaining infrastructure improvements for water quality. A requirement that the homeowners' association implement the relevant portions of the Water Quality Monitoring Plan.
- x. A prohibition on the introduction of incongruous-appearing and, in particular, conspicuously tall plant species on the upper slopes and ridgelines of the project (i.e. trees that may be visually conspicuous in short-, middle-, and long-range views.) unless approved by the Planning Director when it can be shown that the plantings would not be inconsistent with the Supplemental Environmental Impact Report or Mitigation Monitoring Plan and intent of the Walpert Ridge Specific Plan.
- y. For streets 32 feet in width, a requirement that limits parking to one side of the streets and that limits street parking for visitors only; with the responsibility for the homeowners' association to maintain signs or striping that enforce "no resident on-street parking."
- z. A statement that gives the homeowners' association authority to impose fines on any homeowner not complying with the CC&R requirements.
- aa. The homeowners' association shall establish mechanisms, including fines, for enforcement of CC&Rs, including for vehicle towing, discouragement of speeding and leash law violations, and encouragement of safe pedestrian and golf cart passage throughout the development.
- bb. Prospective buyers of lots or homes shall be formally notified in writing of the potential nuisances that can be anticipated from nearby grazing activity.
- cc. Homeowners shall be supplied with an earthquake hazard information document.
- dd. A requirement that the homeowners' association shall be responsible for financing the maintenance of any sanitary sewer pumping plants and/or maintenance access roads.
- ee. A requirement that the homeowners' association shall be responsible for maintaining the private streets, including regular sweeping, restriping and resurfacing, for maintaining the specialty street lights within the development and for maintaining the entry gates.

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- ff. A provision that if the homeowners' association fails to maintain the common area, so that Owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the Project, the City of Hayward shall have the right to enter upon the Project and to commence and complete such work as is necessary to maintain the Common Area, after reasonable notice, and lien the properties for their proportionate share of the costs.
24. Prior to the approval of the first final map, the applicant/developer shall agree to the formation of a Landscape and Lighting Assessment District (LLD) or any other financing mechanism (which may include the homeowners' association if an agreement for maintenance is executed by the City), for maintaining all public area landscaping, lighting, the hiking/equestrian/Garin Park access road and other public improvements associated with development of this project, including but not limited to:
- a. Planting, irrigation, the multi-use pathway, and other associated improvements located along Hayward Boulevard and Fairview Avenue within the median and the frontage parkway;
  - b. Planting, irrigation and other associated improvements located along the entry portion of proposed entry road within the parkways, the median and the public roadway portion of Garin Park Lane;
  - c. Bus shelter;
  - d. Walls and fences facing Hayward Boulevard and Fairview Avenue (including graffiti removal);
  - e. Any specialty street or landscape lighting along Hayward Boulevard, Fairview Avenue and Garin Park Lane.
  - f. The applicant/developer shall disclose the assessment to any potential homebuyers in a form acceptable to the City.
25. If applicable, the applicant/developer shall deposit \$10,000 with the City of Hayward for formation of the LLD and any other financing mechanism for project-related services and improvements prior to the approval of the first final map. Subject to approval of the City, the applicant/developer shall prepare a written document disclosing the special assessment district and the estimated annual assessment to any potential homebuyers. A reserve fund shall be maintained to cover replacement and major repair costs for landscaping, irrigation, graffiti removal or bus shelter.
26. Prior to the recordation of the first final map, the applicant/developer shall prepare a management guide for the homeowners association and individual homeowners for

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maintaining native trees and oak woodland located within private lots or common open spaces.

27. Prior to recordation of, or concurrent with, each final map, the applicant/developer shall dedicate 20-foot-wide access easements at locations indicated on the tentative tract map for emergency personnel and work crews.
28. Prior to recordation of, or concurrent with, the first final map, the applicant/developer shall dedicate a minimum ~~48~~ **40**-foot Garin Park Lane right-of-way from the project entry road to the ~~end of the school/park site~~ service road.
29. ~~Prior to, or concurrent with, the recordation of the first final map,~~ In accordance with the agreement between the applicant and the Hayward Unified School District, the property owner shall dedicate to the Hayward Unified School District, a minimum of ~~6.5~~ **11.3** acres (gross) of approximately level land for the elementary school and including ~~as a part of the school/park site near Hayward Boulevard and Fairview Avenue.~~
30. ~~Prior to, or concurrent with, the recordation of the first final map, the property owner shall dedicate to the City of Hayward a minimum of 5 acres (gross) of approximately level land for a neighborhood park as a part of the school/park site near Hayward Boulevard and Fairview Avenue. A minimum of 5 acres of additional land under the control of Hayward 1900 and not within the developable enveloped depicted in the Precise Plan shall be dedicated to the City of Hayward for park purposes prior to approval of the first final map.~~
31. Since the applicant/developer has received credit for 50% of the parkland dedication requirement or in-lieu fee, prior to the approval of the first final map, a covenant shall be submitted to the City Director of Community and Economic Development/Planning Director, which shall run with the land, that: 1) restricts private park and recreational area from being altered or eliminated without prior consent of the City and 2) requires such areas to be maintained in an attractive, usable and safe condition at all times. The covenant shall also stipulate that, if the City Manager determines that a violation of any of the above requirements has occurred, the current owner(s) shall be subject, at the City's option, to either the payment of park dedication in-lieu fees based on the amount of credit originally received for the development or any other remedy available at law or equity including but not limited to injunctive relief for specific performance. The amount of the in-lieu fees shall be according to the fee schedule in effect at the time the violation is determined to have occurred. The covenant shall be recorded prior to, or concurrent with, each relevant final map.
32. Each final map shall include delineation of the fuel management zone around the relevant perimeter of the project, except along Hayward Boulevard and Fairview Avenue, as defined by the Fuel Management Plan.

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33. With each final map, all abutters' rights of ingress and egress along the Hayward Boulevard and Fairview Avenue frontage, except at the subdivision entry and exit roads and at Garin Park Lane, shall be relinquished to the City of Hayward.
34. Before approval of each final map, all documents that need to be recorded with each final map shall have been approved by the City Engineer, and all outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
35. Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward. Private street rights-of-way and the private storm drainage system including detention basins shall also be offered for dedication. The applicant/developer desires these streets to be private, with operation and maintenance to be the responsibility of the homeowners. The City does not object to these streets being private; however, the City wants to ensure that these streets are adequately maintained over time. Therefore, the City agrees that, although it has required a continuing effort to dedicate the streets within the residential gated community, it will only exercise its option to accept the dedication of these streets in the event that the City determines that the streets are not maintained such that a threat to public health and safety is posed by the condition of said streets and only after notice and adequate opportunity to cure has been given to the property owners.
36. Before approval of the first final map, the applicant/developer shall provide written evidence to the City that copies of all photographs, videotapes, reports, and maps of the historic and cultural resources that are in his/her possession or control have been deposited and permanently curated at the Hayward Area Historical Society or another appropriate local organization.

**Public/Tract Improvements**

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code - Chapter 10, Article 3, and Standard Specifications and Details - unless otherwise indicated hereinafter. In those instances where the applicant/ developer is required to construct an off-site facility but the facility is already constructed by another developer, the applicant/developer of this subdivision shall be required to pay the established benefit district fees in-lieu of construction.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated to the City of Hayward. All improvements shall be designed and installed at no cost to the City of Hayward unless otherwise stated below.

Plans shall be submitted for review and approval to the City Engineer. Improvement plans shall incorporate the following special design requirements:

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Transportation Improvements

37. The applicant/developer shall provide, install and dedicate the following transportation improvements per City of Hayward standards in conjunction with the first final map of construction:
- a. Full frontage improvements along the entire length of Fairview adjacent to the project property and east of the entry road, including street widening and repair, curb, gutter, with a 50-foot-wide minimum parkway area, including a 6-foot-wide planter strip, a ~~3-~~ 4-foot-wide equestrian pathway, an 8-foot-wide multi-use trail and a 33-foot-wide landscaping/public utilities easement; and
  - b. Full frontage improvements along the entire length of Hayward Boulevard adjacent to the project property and west of the entry road, including street widening and repair, curb, gutter, a 10-foot-wide landscaped median with a ~~27-~~ 25-foot-wide minimum parkway area, including a 6-foot-wide planter strip, a ~~34-~~ foot-wide equestrian pathway, an 8-foot-wide multi-use trail and a 10-foot-wide landscaping and public utilities easement.
38. The tract shall be served by one main entrance street from Hayward Boulevard/Fairview Avenue. The public portion of the entry street shall have ~~two 12-~~ 20-foot-wide travel lanes in each direction separated by a 20-foot-wide landscaped median with 10-foot-wide planter strips 4-foot-wide sidewalks, and 6-foot-wide public utilities easements on both sides. The main entrance shall include decorative pavement. There shall be no on-street parking allowed on the entry road. Trees and vegetation on the Hayward Boulevard median and on the south side of Hayward Boulevard adjacent to the entry road shall be selected and maintained in order not to block the sight visibility of all roadway users, including motorists, pedestrians, bicyclists and equestrians. The full intersection improvements on both sides and the public portion of the entry road shall be designed and constructed, including curb, gutter, pavement reconstruction and landscaping in conjunction with the first final map.
39. A roundabout or fully signalized intersection shall be designed and constructed at the entrance to the project in conjunction with the first final map. All project roundabouts shall be designed and constructed in accordance with modern roundabout guidelines, including sufficient street width and entry channelization and adequately addressing pedestrian safety.
40. The internal local streets in Villages A, B, C, D, and E shall ~~may~~ have a ~~32-~~ 36-foot-wide roadway for two travel lanes and two parking lanes ~~with a 4-foot-wide sidewalk on the parking lane side;~~ The "secondary paseo road" in Villages D and E may have a 32-foot roadway for two travel lanes and one parking lane and an 8-foot-wide pedestrian trail if 1) at least one on-street parking space will be available within 150-feet of each lot; and 2) a minimum of three on-site parking spaces are provided on each lot; located behind the required front and sideyard setbacks. Pedestrian passages shall be installed in Villages B

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~~and E from interior roads to the parcels with pedestrian trails. All other internal local streets shall have a 36-foot roadway for two travel lanes and two parking lanes with a 4-foot wide sidewalk on each side.~~ Unless otherwise approved during the precise plan review, all internal local streets shall have ~~5.5-foot wide planter strips and~~ 6-foot public utility easements on both sides. Garin Park Lane from Hayward Boulevard to ~~the southerly end of the park site~~ to south of the maintenance road entrance into the school/park shall be public and a minimum ~~36~~ 32-foot-wide roadway for two travel lanes and ~~two one~~ parking lanes with a 5.5-foot-wide sidewalks. Local street improvements of any phase shall be constructed with that phase. The public portion of Garin Park Lane shall be designed and constructed in conjunction with the first final map. Street plans shall include signing and striping plans that include signing and striping for any on-street no parking areas.

41. A second project egress for emergency use only shall be provided from Neighborhood A to Fairview Avenue if feasible.
42. The private portion of Garin Park Lane to the Village ~~F E~~ connection shall be designed and constructed in conjunction with the final map for Village ~~F E~~, unless the City Fire Chief determines that it is needed earlier, as a 20-foot roadway unless the developer/applicant demonstrates that, due to steep slopes in the area, a minimum 14-foot paved road with an additional 6-foot wide paved turnout area every 500-feet sufficiently long to allow a fire truck to pass is needed. A 20-foot-wide concrete or asphalt concrete pavement fire and emergency access and pedestrian access road shall be designed and constructed from Garin Park Lane to the southwesterly property line adjacent to the Bailey Ranch property in conjunction with the with the first final map. A 20-foot-wide concrete or asphalt concrete pavement, gated exit only/fire and emergency access shall be constructed from the northerly portion of Village A in conjunction with the first final map. All EVAs shall comply with City's Fire Department standards, including the installation of key lock boxes and/or electronic opening devices at all gates and shall be designed to accommodate a 50,000-pound vehicle in all weather conditions. If needed the applicant/developer shall obtain an encroachment permit from EBRPD for any realignment within the EBRPD property.
43. Sidewalks throughout the development and pedestrian/bicycle pathway connections to the proposed school/park site shall be provided.
44. Before approval of the first final map, the applicant/developer shall deposit \$901,241 as their pro-rata share ~~(the actual amount to be determined prior to the approval of the tentative tract map)~~ towards the following required improvements to the local street system as described in the Site Traffic Analysis Walpert Ridge Development dated August 8, 1997. The City shall place these funds into a special account for the purpose of funding these improvements:
  - Farm Hill Boulevard/Hayward Boulevard - The installation of a traffic signal.

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- Second Street/"E" Street - conversion of the northbound shared left-through lane to exclusive left-turn lane; addition of a northbound through lane, including right-of-way acquisition and traffic signal modifications.
  - Mission Boulevard/Carlos Bee Boulevard - addition of third northbound through lane north of Carlos Bee Boulevard; and the addition of a second southbound left-turn lane. Widening includes right-of-way acquisition and traffic signal modifications.
  - Mission Boulevard/Harder Road - addition of a second northbound left-turn lane; addition of a third southbound through lane; addition of a third eastbound through lane; addition of an second westbound left-turn lane east of Mission Boulevard; addition of a third westbound through lane west of Mission Boulevard; and conversion of an exclusive westbound right-turn lane to a shared through-right-turn lane. Widening includes right-of-way acquisition and traffic signal modifications.
45. Before approval of the first final map, the applicant/developer shall deposit ~~\$410,000.00~~ \$1,611,574.00 as their pro-rata share ~~(the amount to be determined prior to the approval of the tentative tract map)~~ for the Alameda County's Fairview Avenue traffic calming study and for the resulting traffic calming measures and any other improvements that are adopted pursuant to this study and any additional studies as discussed in the letter from Jesús Armas, City Manager, to James Sorenson, Alameda County Planning Director dated January 27, 1998 in response to the letter from James Sorenson to Dyana Anderly, Development Review Services Administrator dated January 20, 1998.
46. Before approval of the first final map, the applicant/developer shall deposit ~~\$1,611,574.00~~ \$1,611,574.00 as 50-percent of their pro-rata share ~~(the amount to be determined prior to the approval of the tentative tract map)~~ for the additional Scenario 3 improvements described in the Site Traffic Analysis Walpert Ridge Development ~~in the form of a letter of credit or similar security in a form acceptable to the City.~~ And before approval of the second final map or issuance of 200 building permits whichever occurs first, the applicant/developer shall deposit the second 50-percent of their pro-rata share ~~(\$1,611,574.00 the amount to be determined prior to the approval of the tentative tract map)~~ for the additional Scenario 3 improvements described in the Site Traffic Analysis Walpert Ridge Development ~~in the form of a letter of credit in a form acceptable to the City or similar security. These funds/security shall be returned to the applicant/developer, if and when the City Council executes a freeway agreement for the Route 238 Bypass prior to Jan. 1, 2000.~~
47. ~~The applicant/developer shall design prior to the approval of the first final map, and construct prior to the first certificate of occupancy, the Civic Avenue/Hayward Boulevard traffic signal, which provides permitted phasing, i.e., green light without turn arrows, on all four approaches and includes an interconnect to the signal at Tribune Avenue. The~~



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~~applicant/developer may request the formation of a benefit district for reimbursement, for the amount in excess of his/her proportionate fair share costs.~~

**Storm Drainage**

48. Before approval of the first final map or grading plan approval, the applicant/developer shall submit a detailed drainage improvement plans, to be approved by the ACFC&WCD, designing all on-site drainage facilities to accommodate the runoff associated with a 10-year storm and incorporating on-site storm water detention measures sufficient to reduce the peak runoff to pre-project discharges and velocities.
49. Before approval of the first final map or grading plan, the applicant/developer shall perform a detailed hydrologic analysis for the project to determine the design requirements for detention basins and other drainage improvements. Detention basins or other metering devices shall contain the volume and velocity of storm water discharge such that peak post-development flow rates will not exceed pre-development levels. Design of detention basins and other drainage improvements shall comply with City and ACFC&WCD standards and the Association of Bay Area Governments' Erosion and Sediment Control Handbook. A 10-foot-wide paved access road with 2-foot-wide shoulder to and around all detention basins shall be provided for maintenance.
50. Prior to the approval of the first final map or grading plan, the applicant/developer shall submit a detailed drainage and erosion control plan, following City ordinances and conforming to the Regional Water Quality Control Board's "Staff recommendation for new and redevelopment controls for storm water programs." which includes an operation and maintenance plan for the detention basins.
51. The storm drainage system outside the gated area, upon acceptance by the City, shall be a public system owned and maintained by the City of Hayward. A storm drain easement shall be required over all storm drainage pipes that drain areas outside the gated area.
52. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after each construction phase shall be submitted for review and approval of the City Engineer. The plan shall also reflect the Best Management Practices Handbook for Construction Activities. It is the responsibility of the applicant/developer to comply with Federal, State and local water quality standards and regulations.
53. The following criteria shall be used to determine storm drainage runoff:
  - Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District.
54. The project plans shall be submitted for the review and approval of the City Engineer, which shall include storm water measures for the operation and maintenance of the development. The project plans shall identify Best Management Practices (BMPs)

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appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.

55. The project plan measures shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
56. All on-site storm drain inlets shall be labeled "No Dumping-Drains to Bay", or other approved labels, using City approved methods.
57. Flood control structures, such as detention basins and energy dissipaters, shall use natural materials and objects (i.e., rocks for energy dissipaters; soils for construction of filter berms) wherever possible.
58. To minimize water quality impacts from development and post-development activities, properly designed and maintained biological oil and grease removal systems shall be included in storm drain systems to treat water before it leaves the project area.
59. The applicant/developer shall submit a detailed sediment control plan for City review and approval.
60. Silt traps or settlement basins shall be installed to minimize siltation of creek channels.
61. The applicant/developer shall design detention basins to also function as storm water quality control ponds to reduce sediment and pollutants from reaching downstream areas.
62. Install energy dissipaters at appropriate locations to reduce storm water velocities and to control soil erosion of downstream areas.
63. With the submission of storm drainage improvement plans, describe in detail how the proposed storm drainage system will comply with recommended NPDES Best Management Practices.
64. The concrete surfaces of any slope surface terrace drains or down drains shall be lined with natural rock and any unfaced concrete shall be tinted an earth tone.
65. The applicant/developer shall obtain an encroachment permit from EBRPD for the installation of any detention basins on EBRPD property.

**Sanitary Sewer**

66. The sanitary sewer system shall be a public system and shall be designed in accordance with the requirements of the City of Hayward. Each dwelling unit shall have a separate lateral connection to the public main.

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67. Before approval of the first final map, the applicant/developer shall ~~pay any obligation for its share of the construction of design, and prior to the first tract acceptance or approval of occupancy for the 150<sup>th</sup> dwelling unit, whichever occurs first, shall construct,~~ approximately 1,500 linear feet of 10-inch diameter sanitary sewer line along Hayward Boulevard from Plumas Court to the existing 10-inch diameter line in Hayward Boulevard and the construction of approximately 1,100 linear feet of 10-inch or 12-inch diameter sanitary sewer line along Hayward Boulevard to by-pass the existing 8-inch diameter line located in Vista Bahia Way.
68. Before approval of any final map that would require sewage pumping, the applicant/developer shall design and prior to the issuance of certificate of occupancy for any lots that require sewage pumping, that applicant/developer shall construct a sanitary sewer pumping station to City standards.
69. The applicant/developer shall provide a conceptual plan for the proposed sanitary sewer pumping stations, which should include wet wells with submersible pumps. Inflow/infiltration should be considered in the calculations and back up generators provided. Smaller stations should be designed so that they can be hooked up to portable generators in emergencies. Their holding tanks should be capable of containing flow for several days. The requirements of the Regional Water Quality Control Board related to redundancy and firm capacity shall be incorporated in the design of any lift pumping stations. Anything that could be considered under OSHA regulations a "Permit Only Confined Space" is unacceptable.

Water System

70. The applicant/developer shall design and construct all water mains and pumping plant, water storage tanks and related improvements required to service the subdivision. The water system capacity requirements noted below are based on a fire flow requirement of 2,000 gallons per minute. If fire flow requirements change, required water system capacity may also change.
71. The applicant/developer shall construct public water mains as determined to be needed by the City Engineer during each final map phase.
72. The applicant/developer shall ensure that water pressure and flow for domestic, fire sprinkler system and fire fighting will be sufficient by designing and constructing the gravity on-site water system distribution system in accordance with the requirements of the City of Hayward Water and Fire Departments.
73. Separation between the water main and sanitary sewer main shall be at least 10 feet; separation between the water service line and sanitary sewer lateral shall be at least 6 feet.
74. Water meters shall be located 2 feet from the top of driveway flares as per Standard Details 213 through 218. Water meters shall be located 6 feet from any sanitary sewer

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lateral. Each dwelling unit shall be individually metered. All water meters shall be remote read, and shall be installed per City of Hayward Utility Standards.

75. The applicant/developer and/or property owner shall provide keys/access codes to the Hayward Utilities Division for all meters enclosed by a fence or gate per Hayward Municipal Code Section 11-2.07.

76. Before approval of the first final map, the applicant/developer shall pay \$1,773,000 as their pro-rata share for the water system improvements identified in the Analysis of Water Facilities for the Proposed Walpert Ridge Development including the Blue Rock Country Club Table 5, Scenario 3, which include:

- Refurbish and upgrade Decoto Pump Station.
- Construct South Walpert Pump Station.
- Chlorine Booster Station at 250 Pump Station.
- 250 Pump Station Improvements and 16-inch piping modifications.
- Install 2,500 feet, 18-inch pipeline between South Walpert Pump Station and Highland 250 Tank.
- The City shall have the sole right to substitute other projects for the projects listed if the City determines that such substitution is appropriate and the pro-rata share of the developer does not exceed \$1,773,000.

77. Before approval of the second final map, or final maps for a total of 150 lots, the applicant/developer shall pay \$453,000 as their pro-rata share for the water system improvements identified in the Analysis of Water Facilities for the Proposed Walpert Ridge Development, including the Blue Rock Country Club Table 5, Scenario 3, which include:

- Install 2,500 feet, 30-inch pipeline to replace 16-inch transmission pipeline at Mission Boulevard and Willis Avenue.
- Construct Hesperian Boulevard Pump Station.
- ~~Install 2,500 feet, 18-inch pipeline between South Walpert Pump Station and Highland 250 Tank.~~

The City shall have the sole right to substitute other projects for the projects listed if the City determines that such substitution is appropriate and the pro-rata share of the developer does not exceed \$453,000.00.

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78. Before approval of the first final map, the applicant/developer shall design ~~5,000 feet of 18 inch water main between the 250 and 500 reservoir as identified in the Analysis of Water Facilities for the Proposed Walpert Ridge Development, including the Blue Rock Country Club~~ and shall provide the necessary funds for the City to contract with a contractor to install the improvements. These facilities shall have been completed and accepted by the City before the start of irrigation of the golf course. The applicant/developer may request formation of a benefit district for reimbursement for the amount in excess of his/her proportionate fair share of the costs, which the City shall not reasonably deny. and prior to the issuance of the 150<sup>th</sup> building permit, the applicant/developer shall provide, the necessary funds for a contractor retained by the City, or the applicant/developer's contractor, to construct a new 1285 reservoir and transmissin line, to be approved by the City Engineer. The new tank shall be an above-ground steel tank, with at least the same capacity as the current tank, set at or above the elevation of the current 1285 tank.

79. Before approval of the first final map, the applicant/developer shall design and prior to the issuance of the 150<sup>th</sup> building permit, the applicant/developer shall provide the necessary funds for a contractor retained by the City to replace existing pumps at the 1000 pump station, 750 pump station, and 500 station with higher capacity pumps, as recommended in the City's 2002 update of the Water Distribution Master Plan.

~~construct the following improvements as identified in the Analysis of Water Facilities for the Proposed Walpert Ridge Development, including the Blue Rock Country Club:~~

- ~~• Add pumping capacity to 1000 Pump Station.~~
- ~~• Add pumping capacity to 750 Pump Station.~~
- ~~• Add pumping capacity to 500 Pump Station.~~
- ~~• Add pumping capacity to 250 Pump Station.~~

The applicant/developer may request formation of a benefit district for reimbursement for the amount in excess of his/her proportionate fair share of the costs, which the City shall not reasonably deny.

80. ~~Before approval of the first final map, the applicant/developer shall design and prior to the issuance of the 150<sup>th</sup> building permit, the applicant/developer shall provide the necessary funds for a contractor retained by the City, or the applicant/developer's contractor, to construct, or as approved by the City Engineer construct, the following improvements:~~

- ~~• Relocation of the existing transmission line to the 1285 reservoir.~~

~~The applicant/developer shall also allocate a reasonable time frame for the contractor to complete the relocation within the development.~~

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If, as a result of setting the new "1285 reservoir" at an elevation higher than the current 1285 reservoir, any existing Hayward water customers are negatively impacted by higher than the maximum water pressure of 80 psi, then the applicant/developer shall be responsible for payment of the full cost of any measures that the City may deem necessary to mitigate the impact of higher pressure on affected customers. The mitigation may include individual pressure reducing valves at each affected service location (e.g., home), or other methods as approved by the City.

81. Before approval of the first final map, the applicant/developer shall design the 1285 pumping station, the 14-inch water transmission main, the two 1.15 million "1490" gallon reservoirs and their access roads, the 18-inch water transmission main from the 1285 pump station to the 1530 reservoirs, the two 2.85 million gallon 1530 reservoirs, and their access roads, as well as all necessary water distribution mains to serve the area included in first final map. The tanks shall be above-ground steel tanks, with appropriate inlet and outlet connections and automatic valves to allow the City to use one, or both tanks, at various water control levels (e.g., one full, the other at 2/3 full). A separate distribution main will draw directly from the tanks, and no distribution mains shall be connected to the 18-inch transmission main. The 1285 pump station shall be above ground with the floor of the pump station at approximately the same elevation as the bottom of the 1285 tank.
82. The maintenance roads to the 1285 and "1490" 1530 water reservoirs shall be 14 feet wide with a 3-foot shoulder on each side and go around the water reservoirs. Maximum grade shall not exceed 15 percent.
- ~~83. Before approval of the first final map, the applicant/developer shall dedicate approximately 16,000 square feet of level land at the 1285 reservoir for the eventual construction of a second water tank. The location is subject to approval of the City. The applicant/developer may request formation of a benefit district for reimbursement of the appraised value based on other developer's pro rata share of the cost of the undeveloped land.~~
83. The design of all water utility structures and facilities, mechanical, electrical, and technological equipment, and facility enclosures shall incorporate any and all design features or modifications recommended by, or necessitated from, the City's Water System Vulnerability Assessment mandated by the US EPA and currently being conducted and expected to be completed in December 2002.
84. If possible, well water shall supplement the golf course irrigation system. Also, if at some time in the future a non-potable or an alternative source of water becomes available, the home-owners' association or other responsible entity shall agree to utilize the non-potable water for irrigation of the golf course, if technically and economically feasible. This condition shall not be construed to obligate the City to develop, or to offer, such water for the golf course irrigation.

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85. The development shall comply with the City's Water Efficient Landscape Ordinance.
86. ~~The golf course lakes shall be replenished only during non-peak hours. Water mains in all streets with 10 or more homes shall be connected, or "looped" to other proposed water mains via easements. Ductile iron pipe shall be required in all easements, other than paved streets.~~

Fire Protection

87. The applicant/developer shall be responsible for all Fire Department requirements referenced in the Uniform Fire Code and the City's Hillside Design and Urban/Wildland Interface Guidelines for category I and category II structures. The applicant/developer's shall also revise the Fire/Emergency Medical Services Mitigation Plan as needed to reflect plan changes.
88. The applicant/developer shall provide EVA lanes, which comply with the City's Fire Department standards, including the installation of key lock boxes and/or electronic opening devices at all gates. Additionally, the applicant/developer shall provide EVA lanes to the surrounding open space at maximum 1,000-foot intervals around the perimeter areas of the development that abut natural open spaces ~~and around the electrical tower on the road to the swim/tennis center Village G.~~ All emergency access roads shall be designed to accommodate a 50,000-pound vehicle in all weather conditions. All EVA road slopes, including those on the emergency vehicle access road, shall not exceed 15 percent.
89. The applicant/developer shall provide landscaping plans for the common areas and fuel management zone that comply with guidelines contained in the Hayward Design Guidelines and Specific Plan.
90. Type and spacing of fire hydrants shall be subject to review and approval by the City of Hayward Fire Chief. Fire hydrants shall be installed along roadways per the requirements of the Hayward Fire Department and the Uniform Fire Code. Hayward's fire flow requirement for single-family housing developments is 2,000 gallons per minute, 20 p.s.i. residential pressure for a two-hour duration. To accommodate the 13-D fire sprinkler system, the pressure at the meter shall be at least 35 p.s.i. for each dwelling.
91. Accommodation shall be made for enhancement of Fire Station No. 5 and for purchase of additional fire fighting apparatus for Fire Station No. 5, as outlined in the final SEIR.
92. Access requirements shall meet City standards. All fire equipment turning areas shall be posted as such, and no parking will be allowed in fire equipment turning areas.
93. Approved Hayward Fire Department accesses and public water supply shall be available for fire equipment prior to the start of construction and during construction. Access shall

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be all-weather surface designed to support fire equipment of 50,000 GVW. Access shall be available to within 150 feet of the most remote part of the structure.

94. The required public water system and fire flow must be available prior to and during all phases of combustible construction. Stop work orders will be issued for lack of fire flow or public water system.

**Utilities**

95. The applicant/developer shall underground all new on-site utility lines and transformers and all existing above ground utilities (i.e., telephone and electrical poles), including transformers, on the entire Hayward Boulevard and Fairview Avenue street frontage adjacent to the project property. With regard to the Hayward Boulevard and Fairview Avenue street frontage undergrounding, the applicant/developer may propose expanding the scope of a Community Facilities District, Landscaping and Lighting District, or other financing mechanism to be reimbursed for these improvements from future developers and/or property owners of the subject residential properties.
96. The construction plans shall indicate the location of all the sewer laterals and water services (including meter locations).
97. All streetlights within the gated area shall be private. A project street light plan shall be prepared using the criteria and standards stated in the City's standard SD-120 for rural street lighting, and approved by the City Engineer. The plan shall include installing electroliers along Hayward Boulevard and Fairview Avenue with an underground electrical system.
98. All streetlights outside the gated area shall become the property of the City of Hayward and shall be constructed under LS-2A Tariff.
99. The level of street lighting within interior street shall comply with the City's "rural" lighting standards (SD-120), which call for installing street lights at intersections, traffic conflict locations, and other locations for safety and security as determined by the City Engineer. Street light fixtures shall be shielded and directed downward to minimize glare into adjacent residences or into the skyline.
100. All service to dwellings shall be an "underground service" in accordance with the Pacific Gas and Electric Company, telephone company(s) and cable television company regulations.
101. An underground electric system, including underground transformers, shall be installed within the tract. Design and installation shall be in accordance with Pacific Gas and Electric Company regulations.



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102. An underground telephone system shall be installed within the tract. Design and installation shall be in accordance with Pacific Bell Company regulations.
103. Prior to the approval of the first final map, the applicant/developer shall provide evidence that PG&E has reviewed, commented and approved the access to the PG&E transmission line easement shown on the plans.

**Landscaping**

104. Before approval of each final map, detailed landscaping and irrigation construction plans for all public and common areas, including all street frontages, entry roads, medians, main collector street, reservoir screening, elementary school and neighborhood park, shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect; and the applicant/developer shall enter into a subdivision agreement for construction and installation of these improvements. Required street trees shall be minimum 24"-box trees, spaced at 30 feet on-center maximum, and double-staked per City standard SD-122. Any aboveground utilities and other similar equipment, not required to be underground, shall be screened from streets and public areas with shrubs or another City approved architectural screen. All visible fences and walls facing public areas shall be fully buffered with continuous shrub and vine planting.
105. Plant palette shall emphasize use of drought-tolerant native species in all public rights-of-way, private lots, golf course, and common-area landscaping. The applicant/developer shall incorporate water conservation measures in the design of the residential units and landscaping.
106. Before recordation of the first final map or grading plan approval, a tree preservation bond or surety shall be submitted equal to the value of all potentially impacted trees (generally all trees within 50 feet of the limits of grading.) The value of the trees shall be determined by a certified arborist. The bond or surety shall remain in effect for a minimum of two years following acceptance of tract improvements. Following the end of this period, the bond or surety will be returned to the applicant/developer if all trees are found to be healthy, thriving, and absent of any evidence of irreversible construction impact.

**Equestrian/Multi-Use Pathway**

107. In coordination with the City of Hayward, the applicant/developer shall design a ~~3~~4-foot-wide decomposed granite path and an 8-foot-wide, concrete, multi-use pathway along Hayward Boulevard and Fairview Avenue. The design details and placement location of the fencing and multi-use pathway shall be submitted for review and approval by the City Engineer and Planning Director.
108. The applicant/developer shall design a trail staging area in the vicinity of Garin Park Lane that incorporates a parking lot within or near the school/park site.

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Bus Shelter

109. The applicant/developer shall work with the City to obtain AC Transit agreement to extend bus service to the project site.
110. ~~Prior to approval of the final map,~~ The applicant/developer shall design a covered bus shelter for any bus stop located along the Hayward Boulevard or Fairview Avenue project frontage. The design and placement of bus shelter shall be approved by the AC Transit District, the City of Hayward City Engineer and the Planning Director. The bus shelter shall exhibit an attractive design with attention to safety, vandalism, and maintenance concerns. The cost of maintaining the bus shelter shall be included in an assessment district, or other financing mechanism.

Walls and Fencing

111. All retaining walls shall be made of reinforced concrete or concrete masonry block and shall exhibit an attractive design with architectural detailing on the exposed side. The design of all retaining walls, including finish and color and material samples, shall be submitted for approval to the Director of Economic and Community Development/Planning Director ~~prior to approval of the first final map.~~
112. The applicant/developer shall provide fencing with gates or other barrier around dedicated onsite open space areas that may be used for cattle grazing, post "No Trespassing" signs and replace any fencing on EBRPD property that is removed during project construction.
113. ~~Except where superceded by the U. S. Fish and Wildlife Service and/or the California Department of Fish and Game,~~ Permanent barriers shall be constructed between the proposed development and areas of suitable whipsnake habitat. Barriers shall be constructed of a solid material (e.g., rock, concrete), be a minimum of 30 inches high, and have an overhang of at least 10 inches on the habitat side of the fence to prevent snakes from crawling over. Barriers shall be buried to a depth of 12-inches.

Golf Course

114. The applicant/developer recognizes that the City may substantially reduce the use of potable water as needed or required during periods of drought.
115. A Golf Course Design and Management Plan, which shall include an Integrated Pest Management Plan, and a Water Quality Monitoring Plan shall be reviewed and approved by the Planning Director. The Integrated Pest Management Plan (IPM) shall be prepared by a qualified agronomist or turf grass specialist approved by the City of Hayward. The IPM shall address and recommend methods of pest prevention and turf grass management that use pesticides as a last resort in pest control and shall specify types and rates of fertilizer and pesticide application. Special attention in the IPM shall be directed toward

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avoiding runoff of pesticides and nitrates into sensitive drainages or leaching into shallow groundwater table. The IPM shall minimize the use of pesticides on the golf course, only use pesticides as a response to persistent pest problem and not employ them for preventative use.

116. The applicant/developer shall design the golf course to reduce irrigation water demand to the maximum extent possible which shall include drought tolerant plant material, and/or design the golf course irrigation system to recycle water for reuse. An efficient irrigation system shall be used that includes a means of matching watering requirements with the evapotranspiration rates of plants. The golf course irrigation system shall be computer controlled to allow adjustment based on climate and water use data. ~~At least one of the lakes within the golf course will be used for irrigation needs. Runoff shall be recycled back into the irrigation system through the use of irrigation storage lakes as collectors, as possible.~~ **The irrigation system shall be designed with the appropriate piping and plumbing to accept recycled water in the future.**
117. The applicant/developer shall provide space at the golf clubhouse or other location for carpool or vanpool parking.
118. The applicant/developer shall investigate and develop, as feasible, groundwater resources as a supplemental source of water for irrigation of managed golf course and park turf areas.
119. A detailed grading plan and lake plans shall be submitted for the review and approval of the City Engineer. Final golf course grading shall be carefully blended into the adjacent terrain without sharp falls or angles to the extent feasible. The golf course shall be designed and graded to capture and retain as much of the golf course drainage as possible through the use of graded berms, interceptor swales and detention/percolation hollows. No slope on the golf course shall be greater than 3 horizontal to 1 vertical. Grading on slopes greater than 15 percent shall be designed to minimize surface water runoff. Graded swales, berms, retention basins or other erosion shall break up long slopes control structures. Drainage structures or swales shall be used to divert excess runoff from the top of steep slopes. Golf course fairways and greens shall be engineered and graded to drain away from all waterways and infiltration basins:
  - a. A minimum of a ten-foot vegetated buffer shall be maintained between the edge of irrigated turf grass and the top of bank of sensitive drainages. The golf course shall be designed so that all maintained turf areas drain away from nearby creeks. Drainage shall be directed to nearby grassed swales, area drains, or sumps for percolation. Where maintained turf cannot drain away from creeks, use low maintenance turf or naturalized or native grasses.
  - b. Infiltration basins shall be constructed on the perimeter of the golf course fairways to catch all golf course and urban runoff. This runoff shall be directed into the sewer or swales that would not affect California red-legged frog habitat.

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- c. Areas between golf holes shall be left in naturalized grasses to catch and obstruct runoff.
  - d. Drainage pipe discharge points from subdrains of greens or tees shall drain into vegetated swales ~~or irrigated storage lakes~~. The subdrain discharge points shall not be within 100-feet of a sensitive area. Drainage structures shall be in place prior to seeding.j
120. Cart paths shall be a minimum 8-feet wide and sufficient to support fire and/or public works equipment, wherever required by the City Fire Department or Public Works Department for utility maintenance and fire protection. Protected wetland areas shall be bridged. Carts paths shall have minimum 3-foot shoulders or guardrails adjacent to slopes greater than 3:1. The road to the maintenance building shall be a minimum of fourteen-feet wide with 3-foot shoulders, sufficient to support fire equipment of 50,000 GVW and an adequate truck turn around at the end.
121. Detailed building, electrical and mechanical plans shall be submitted for the review and approval of the Building Department. Each restroom and the maintenance yard shall be wired with an emergency telephone linked to the clubhouse. All on-site utility lines and transformers, not including the transmission lines, shall be underground.
122. ~~The developer shall submit an analysis of filling requirements for the golf course lakes for the review and approval of the City Engineer. The pump control system servicing the golf course lakes shall be designed to provide sufficient water to refill the lakes only in non-peak hours, which generally include 12 hours of each 24 hour period.~~
123. A Chemical Application's Management Plan, which incorporates an Integrated Pest Management plan, must be approved by the City Landscape Architect prior to the application of any chemical fertilizers, pesticides or similar substances to the golf course. Organic amendments such as sludge, manure, fir bark or peat shall be used to increase the organic quality of the soil and greatly reduce the fertilizer use.
124. The applicant/developer shall prepare a Predator Control Plan for the review by the City Planning Director. The plan shall sufficiently discuss how to eradicate bullfrogs and non-native fish, should they become established in created habitats.
125. Disturbed areas not in turf grass shall be revegetated with hardy native grasses. Temporary irrigation will be used where necessary to ensure proper germination prior to the rainy season.
126. The golf club house shall be equipped with an emergency response vehicle, e.g. modified golf cart, with sufficient space for 3 large "suitcases" of emergency medical equipment, that meets with the approval of the Hayward Fire Chief.

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127. Golf course links shall be designed as necessary to acquire a U.S. Fish and Wildlife Service incidental take permit for impacts to California red-legged frogs.

Pools for California Red-legged frogs

128. All created pools that are used as mitigation habitat for red-legged frogs shall include at a minimum the following mitigations, which are consistent with USFWS' policy for impacts to California red-legged frogs:

- Created pools shall be excavated deep enough to provide the frogs with deep water habitat suitable for breeding, egg laying, and escape from predators. It is recommended that a significant portion of each pool be graded to pond water deeper than four feet. This will assure that emergent species such as cattail and bulrush do not fill in the created pool environments.
- All created pools shall have shallow water areas that will provide a warm water environment necessary for larval development. To create shallow water areas, a 10-foot wide bench shall be constructed at varying elevations along the inside perimeter of each pool. The bench shall be constructed between a depth of one and three feet, so that no matter where the water level rises to on a given year, the frogs will have a shallow water environment along the perimeter of each pool. Creation of a perimeter bench will also restrict cattail and bulrush growth to the outside edge of the pool, providing cover for the frogs, yet not encroaching upon open water habitat.
- A predator control plan shall be prepared and implemented. This plan shall sufficiently discuss how to eradicate bullfrogs and non-native fish, should they become established in created habitats.
- All created pools shall be equipped with a valve so that annual drainage of the pools is possible for predator control.

Any deviation from these mitigation shall be as a directive of the US Fish and Wildlife Service or the U.S. Army Corps of Engineers, or other responsible agency as determined by the Subdivision Agreement

128. The applicant/developer shall enter into a subdivision agreement with the City and post bonds that shall secure the construction of the public and private improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code.

P.G.&E. Transmission Lines and AT&T and Hayward Police Department Communications Facilities

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129. The developer shall obtain a letter from Pacific Gas and Electric Company consenting to the proposed land uses within the Pacific Gas and Electric easement.
130. The applicant/developer shall provide evidence that the proposed water reservoirs, ~~Neighborhood G, swim/tennis center~~ and related improvements, and any necessary fencing do not interfere with the nearby AT&T and the Hayward Police Department Communications Facilities and shall install "No Trespassing" signage in the vicinity of the existing communications towers.
131. Before approval of the first final map, the applicant/developer shall submit a radio frequency radiation monitoring report, or other form of verification acceptable to the FCC, for the review and approval of the City showing that the facility will not expose the residents or the general public to emissions that exceed FCC guidelines. No habitable building shall be constructed within 150 feet of the P.G. & E. transmission line easement unless otherwise approved by the City and P.G. & E. following review of the findings in the above referenced monitoring report.
132. The applicant/developer shall provide adequate access for PG&E to the PG&E transmission line easement, which will not require PG&E to pass through fairways. Prior to approval of the first final map, the applicant/developer shall forward project plans to PG&E for review, comment, and approval of PG&E access provisions.

**Elementary School/Park Site**

133. Prior to approval of the first final map, the applicant/developer shall design an elementary school with core facilities for 650 students and classrooms for 350 students and complete construction within 12-months of the issuance of the 25<sup>th</sup> building permit. During this 12-month period, certificates of occupancy may be issued provided HUSD indicates students residing in the affected dwellings can be adequately and reasonably accommodated in an existing school. Subsequent to the 12-month period, certificates of occupancy shall be issued upon completion of the school.
134. The applicant/developer shall design and install all street frontage improvements and extend all utilities to the school/park site.
135. The applicant/developer shall grade the park site to a minimum of 5-acres of approximately flat area for playing fields. Terracing may be allowed provided each terrace will be a minimum of 1.5 acres in size and 250 feet in width as approved by HARD.
136. The applicant/developer shall obtain approval from the HUSD and the Castro Valley Unified School District of a school boundary adjustment to include the project site solely within the boundary of HUSD.

**PRIOR TO ISSUANCE OF A GRADING PERMIT**

137. Notwithstanding Section 10-8.11(g) of the City's Municipal Code, a grading permit shall be required for any on-site grading. No grading permits shall be issued prior to tentative tract map and precise plan approval.
138. Included with the grading permit application, shall be evidence that the project design and mitigation measures have been approved and any necessary permits issued by all applicable responsible and permitting agencies, including the Environmental Protection Agency; the U.S. Army Corps of Engineers for impacted wetlands; the State Department of Fish and Game; the federal Fish and Wildlife Service; the Regional Water Quality Control Board including a Streambed Alteration Agreement; and the Bay Area Air Quality Management District.
139. The plans submitted with the grading permit application shall show how mitigation measures recommended by the responsible and permitting agencies will be carried out for any impacts on the San Francisco Dusky Footed Woodrat, Greater Western Mastiff, Pacific Western Big Eared and Myotis Bats,
140. Spring nesting surveys shall be conducted for the Golden Eagle, Cooper's Hawk, Sharp-Shinned Hawk, Northern Harrier, White-Tailed Kite by the applicant/developer's raptor biologist. If nests are located within the proposed development area, the Department of Fish and Game shall be contacted to evaluate any proposed mitigation measures. Construction period mitigation measures to prevent disturbance of the Garin Park Golden Eagle and Sharp-Shinned Hawk nests shall also be submitted to the Department of Fish and Game for evaluation. If any Northern Harrier or White-tailed Kite nests are identified within the project site, a one-quarter mile buffer zone, or as determined by a qualified biologist in consultation with the Department of Fish and Game, around the nest(s) shall be identified on the grading plans and maintained during construction.
141. A survey for Burrowing Owls shall be conducted by the applicant/developer's biologist. If any nests are identified, one-way eviction doors shall be installed prior to construction and construction period mitigations recommended in accordance with Burrowing Owl Consortium protocols and in consultation with the Department of Fish and Game.
142. A springtime survey shall be conducted by the applicant/developer's biologist for nesting Special Status Passerine Bird Species, including tricolored blackbirds, California horned larks, loggerhead shrikes and any other species identified by a permitting agency that may need consideration. If any nest(s) are identified within the project site, a 500-foot buffer zone, or as determined by a qualified biologist in consultation with the Department of Fish and Game, around the nest(s) shall be identified on the grading plans and maintained during construction.
143. Based on the springtime survey of special status plants conducted prior to approval of the Precise Development Plan, transplant/collect seed of any identified special-status plants

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to a suitable protected open space habitat, subject to the responsible and/or permitting agency's approval.

144. Before issuance of a grading permit, the developer/applicant shall demonstrate that the plans implement an Alameda Whipsnake Mitigation Plan and submit to the Director of Community and Economic Development/Planning Director copies of all State and Federal approvals authorizing "incidental take" of Alameda whipsnake.
145. If vegetation clearing and subsequent grading is scheduled to begin outside of the months of December through February, a herpetologist with experience with Alameda whipsnakes shall conduct a trapping and removal program prior to removal of any coastal scrub habitat subject to the approval of the responsible and/or permitting agency. Any whipsnakes trapped shall be moved to suitable habitat on the project site that would not be affected by development. Trapping shall not be conducted during the months of December through February.
146. Before issuance of a grading permit, a frog capture and removal program shall be implemented, subject to the approval of the responsible and/or permitting agency. Any California red-legged frogs shall be relocated to protected mitigation preserves or suitable habitat that would not be affected by the project. The methods of trapping and removal effort must be arranged with USFWS.
147. Prior to the preparation of grading or improvement plans, an updated soils and geotechnical report shall be prepared. Analysis presented in the final geotechnical report for the project site shall conform with the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California." (CDMG Special Publication 117, 1997.) Site improvement and building plans shall adhere to the recommendations of the soils engineer or geotechnical consultant. The consultant shall also recommend remedial action for existing unstable areas that may be located outside of the limits of grading, but which may be affected by the proposed grading and shall address the potential for delayed consolidation within deep fills and associated land surface subsidence. The final geotechnical report shall address the potential for delayed consolidation within deep fills and associated land surface subsidence in order to reduce associated impacts. The updated soils and geotechnical reports shall be reviewed and approved by the City Engineer and by the East Bay Regional Park District for areas within open space to be dedicated to the District.
148. In order to minimize erosion and alterations to topography, all grading plans, cut and fill procedures and retaining walls shall be designed by a licensed professional engineer; and a certified engineering geologist or a registered geotechnical engineer shall be employed to review and approve specific grading plans. All recommendations and grading alterations identified shall be included in the project's grading plans.
149. A dust emission control plan shall be submitted per the City's Grading Ordinance for the review and approval of the City Engineer.



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150. Grading and improvement plans shall clearly identify all trees to be removed and preserved. Under the supervision of a certified arborist, the exact location of potentially impacted trees (horizontal and vertical elevations) relative to proposed grades shall be defined on the plans and in the field prior to approval of grading plans. Plans shall be adjusted where possible to save "at risk" trees that are in good or excellent condition, particularly the native oak trees. Oak trees to be removed shall be provided with replacement trees of a size and species approved by the City Landscape Architect at the ratio of 3:1; a Tree Replacement and Monitoring Plan for all trees shall be prepared for review and approval by the City's Landscape Architect and the State Department of Fish and Game.
151. Grading and improvement plans shall specify tree protection measures for all potentially impacted trees per the tree preservation guidelines contained in the Hortscience report (December 1995) and shall not occur within 75-feet of Three Oak Knoll with a distance of 100-feet required if feasible. Tree protection measures shall address protective fencing, site grading, foundation and pavement construction, site drainage, and root and canopy pruning.
152. Grading operations shall be restricted to the dry season between April 15 and October 15 to minimize erosion unless otherwise approved by the City Engineer. Soil surfaces exposed as a result of grading shall be stabilized and revegetated before October 15.
153. The project shall be designed to balance cut and fill requirements.
154. To reduce the potential for damage due to the expansive and/or compressive soils, a certified engineering geologist or a registered geotechnical engineer shall be employed to identify the specific measures necessary to protect buildings, driveways, sidewalks, streets, parking areas, and utility networks. These measures could include:
  - Use of specifically designed pier-and-grade beam foundations.
  - Lime treatment of soils.
  - Employment of flexible utility line materials and connectors where lines enter structures.
  - Use of special design for driveways, sidewalk streets, and parking areas.
  - Installation of specifically designed concrete mat foundations.
  - Preconsolidation of compressible soils areas prior to their development.
155. Because liquefaction can occur as a secondary effect of ground shaking, a registered engineering geologist shall be employed to identify areas of potential liquefaction.

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Specific mitigation measures for existing hazards and design changes shall be incorporated into the subdivision grading and improvement plans.

156. Grading and improvement plans shall comply with the City's Grading Ordinance and the Association of Bay Area Governments' (ABAG) Erosion and Sediment Control Handbook, including requirements to submit an erosion control plan to minimize construction impacts related to soil erosion, sedimentation, and water quality. Any graded areas and stockpiled soil, which will remain for an extended period of time, will be required to be hydroseeded for erosion control. Other recommended measures include stabilized construction entrances, earth dikes and swales, storm drain inlet protection, sediment basins, straw bale dikes, silt fences, and check dams. Erosion control measures shall be regularly inspected, monitored, and maintained throughout the construction period. Erosion and sediment control measures that may impact the East Bay Regional Park District shall be reviewed and approved by the City Engineer in consultation with the District.
157. Before acceptance of grading or improvement plans, the applicant/developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of the filing of a Notice of Intent with the State Water Resources Control Board. The applicant/developer shall submit for City and East Bay Regional Park District approval a Storm Water Pollution Prevention Plan (SWPPP) for reducing the discharge of pollutants and sediments into downstream areas. The SWPPP shall reduce or eliminate impacts to surface water quality from all phases of the Project. Required elements of the SWPPP shall include:
  - a. Erosion and Sediment Control. Best Management Practices (BMPs) designed to reduce erosion of exposed soil which may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydro seeding is selected as the primary soil stabilization method, then slopes shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize offsite tracking of sediment. Vehicle and equipment wash down facilities shall be designed to be accessible and functional both during dry and wet conditions.
  - b. Construction-Period Storm Water Management Controls. These controls shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g. fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain. To educate onsite personnel and maintain awareness of the importance of storm water quality protection, site

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supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections.

- c. Post-Construction Stormwater Management. The SWPPP shall include post-construction storm water management controls to prevent storm water pollution associated with post-construction activities at the developed site. Controls may include disconnected gutters, pervious concrete surfaces, painted drain inlets ("Dump No Waste-Drains to Creek"), and stream protection buffers. The SWPPP shall include BMPs to minimize potential impacts to water quality from operation of the fuel system. In addition, the SWPPP shall refer to other regulations and plans (e.g., spill prevention plan) required for fuel tank operation.

To the maximum extent practicable, the Applicant shall utilize the BMPs identified in the RWQCB, San Francisco Bay Region, *"Staff Recommendations for New and Redevelopment Controls for Storm Water Programs"* (February 24, 1994) for post-construction activities. In addition, the Applicant shall comply with the Alameda County Urban Runoff Clean Water Program, New Development Project Conditions (April 25, 1995).

- 158. Before approval of grading or improvement plans, a revegetation/reforestation plan shall be prepared for all disturbed areas that will remain in open space and reviewed and approved by the City Landscape Architect. Revegetation and reforestation plans that affect areas to be dedicated to the EBRPD shall also be reviewed and approved by the EBRPD. Emphasis shall be on using erosion control, drought-tolerant native grasses, trees and plants.
- 159. An independent licensed professional engineer shall be retained to design and supervise an erosion control program during grading, excavation, and other site work. The applicant/developer shall post a bond with the City to ensure that erosion is controlled and that the site is landscaped and revegetated satisfactorily. The bond would be refunded upon successful completion of construction and landscaping.
- 160. The project soils engineer shall monitor site grading, drainage control and foundation construction and soils shall be tested as necessary. Remedial action shall be taken in the event that unexpected soil conditions are encountered during excavation or additional slope stabilization is found to be necessary. Site grading and drainage control that may effect the open space areas to be dedicated to the East Bay Regional Park District shall be reviewed and approved by the District.
- 161. Before issuance of grading and building permits, the applicant/developer shall prepare a management plan for monitoring, enforcing, and reporting on construction and post-

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construction BMPs. The applicant/developer shall also submit a Water Quality Monitoring Plan to evaluate the effectiveness of the SWPPP and Golf Course Design and Management Plan at protecting surface and groundwater quality in the vicinity of the site. The Water Quality Monitoring Plan shall be prepared by the applicant and submitted to the City Engineer for review and approval. The plan shall include:

- a. Establish Sampling Locations. Establish fixed surface and groundwater sampling locations in the plan. Collect surface water samples from detention basin outlets during the first significant storm event of the rainy season each year ("first flush"). In addition, collect surface water samples from creeks that drain the proposed golf course. Collect groundwater samples from shallow monitoring wells installed in areas of high groundwater conditions, particularly in alluvial sediments along the seasonal creeks and near detention basins.
  - b. Establish Sampling Parameters, Protocols, and Frequency. Establish the compounds to be analyzed for based on the uses of the site. For example, analyze samples collected from areas which drain the golf course for the specific pesticide and herbicide compounds used on the course. Establish the required sampling protocols and frequency for each sampling event so that consistent high quality data can be compiled.
  - c. Establish Data Analysis and Review Criteria. Establish criteria for evaluating the data (e.g., regulatory threshold values for pollutants). Once collected, the data shall be analyzed by a qualified professional and compared to the established criteria to evaluate potential impacts. If water quality degradation is identified, the qualified professional shall recommend actions to mitigate the impact. Submit reports summarizing the analytical data and conclusions to the City of Hayward for review and approval on an annual basis for a minimum of ten years. If, at the end of the ten-year period, the City of Hayward determines that, based on the analytical data collected to date, no impact to water quality has occurred, or is likely to occur, from operation of the project, the City may authorize the Applicant to discontinue monitoring.
162. Before approval of grading or improvement plans, the trees to be removed or preserved shall be clearly identified on the plans. A certified arborist shall be obtained to provide recommendations for minimizing the construction impact on trees to be preserved. Grading and improvement plans shall include measures for tree protection and preservation as recommended by the arborist, including installing a fence at the drip line of the trees during the construction period. Any canopy or root pruning shall only be performed under the supervision of a certified arborist.
163. All trees 10 inches or larger in diameter at 24 inches height that are proposed for removal shall be documented and a tree removal permit shall be obtained from the City. Replacement trees shall be specified by the City's Landscape Architect based on the value

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of trees authorized to be removed. The value of the trees shall be calculated by a certified arborist according to the "Trunk Appraisal Method" contained in the Guide for Plant Appraisal (1992) published by the planted International Society of Arboriculture. Replacement trees shall consist of upgrading all required trees to minimum 24-inch box specimens. All trees shall be provided with a temporary irrigation system that would be maintained over a period of 3 years.

164. A certified arborist shall monitor or evaluate the condition of the trees during and for 5 years after construction at the expense of the applicant/developer. Annual reports shall be submitted to the City Landscape Architect and the Department of Fish and Game for review and approval.
165. To mitigate the graded slopes, the applicant/developer shall submit grading and improvement plans that incorporate; where physically feasible: 1) landform grading techniques (e.g. varied slope gradients and gradual slope transitions); 2) informal landscaping buffers with emphasis on native, drought-tolerant, fire-resistant plants; 3) vegetated or rock-lined drainage swales; and 4) use of existing on-site boulders and rock outcroppings. Additionally, final grading plans shall minimize, as much as possible, the vertical height of the graded slope along the western perimeter of the development by limiting the depth of the level housing pads, which abut this slope.
166. Prior to approval of the first final map or grading permit, in consultation and coordination with, and subject to the approval of the EBRPD, an archaeologist shall record and conduct further onsite research necessary for recordation of the Honcharenko Home and Worship site, including mapping and photography following, at a minimum, the standard procedures of the California Department of Parks and Recreation, Office of Historic Preservation. Bedrock mortars, rocks and salvageable artifacts from the following sites shall be preserved in parks or open spaces or relocated to an appropriate park or open space site for community benefit as determined by the City:

Prehistoric Bedrock Milling Station (CA-Ala-396);

Prehistoric Bedrock Mortar Site (CA-Ala-400);

Historic Quarry Sites (CA-Ala-401H, -402H and -404H);

Combined Prehistoric Bedrock Mortar and Historic Quarry Site (88-WPR-1);

Soda Property Homestead (WPR-10);

Stacked stone on the Roman Catholic Church Bishop Property (WPR-13)

167. An archaeologist retained by the applicant/developer shall complete a more precise recording for prehistoric bedrock mortar site CA-Ala-513.

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168. The grading contractor shall agree to attend a pre-construction meeting prior to beginning grading to review requirements regarding construction noise, grading and construction activities with City staff and the neighboring residents and to identify the noise disturbance coordinator.
169. Prior to the approval of any grading or improvement plans, the applicant/developer shall obtain State and Federal agency approvals authorizing "incidental take" of the California Red-legged frog habitat and prepare and implement a California Red-legged frog Mitigation Plan.

**PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

170. The applicant/developer shall pay the Building Construction and Improvement Tax.
171. The 1285 pumping station, ~~4418~~ 18-inch transmission ~~main line~~ and one ~~4.15~~ **2.85** million gallon reservoir shall be constructed and accepted by the City before any building permits are issued for any lots requiring the water from the ~~"1490"~~ **1530** reservoirs. The second ~~4.15~~ **2.85** million-gallon reservoir shall be constructed and accepted by the City before any more than 350 single-family building permits are issued. A proportional amount, approximately 55%, of the total of common area landscaping, exclusive of the golf course, may be developed in conjunction with these structures. The applicant/developer may be allowed building permits for commercial buildings prior to the acceptance of the second ~~4.15~~ **2.85** million gallon reservoir, if a proportional number of single-family building permits is reduced and with the approval of the City Engineer.
172. To minimize the risk of damage from strong ground shaking during an earthquake, a registered engineering geologist and a structural engineer shall review all pre-development reports. Site improvements and building plans shall adhere to the recommendations of the registered engineering geologist and the structural engineer.
173. The applicant/developer should avoid placing structures, utilities, and fences on or near the tops of slopes or in the shallow subsurface of slopes. Those improvements that are placed on slopes, or within 10-feet of the tops of slopes, shall be reviewed and approved by a registered geotechnical engineer or certified engineering geologist. Potential measures for stabilizing structures affected by the impacts of creep could include extending foundations to below the creep zone, removal and replacement of creeping soils with non-expansive soils, or stabilization of creeping soil with lime-treatment or installation of geofabric.
174. The applicant/developer shall submit a plan for review by the City's Solid Waste Manager for recycling excess building materials and other construction debris to the maximum extent feasible. Furthermore, the recycling plan shall identify building materials and related products made of recycled content to be used on the project.

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175. Private sewage injector pumps shall comply with all applicable City and County regulations.
176. Before issuance of a building permit, the applicant/developer shall submit a source reduction and recycling plan that: 1) demonstrates that the facility design is conducive to allowing space for recycling containers in each area where garbage containers are required and 2) provides for "grasscycling" or composting of green waste generated from the golf course operations.
177. Review of projects involving one single-family custom home on one parcel may be approved by the Planning Director when the custom home meets all the design criteria established for such homes, including minimum dwelling and parcel size. The design criteria for custom homes shall be reviewed by the Planning Commission and City Council prior to the approval of the first final map. A Site Plan Review application shall be submitted for all other ~~the~~ proposed residential building designs to the Planning Commission and City Council for review and approval. Said submittal shall adhere to the City of Hayward Design Guidelines and Design and Performance Standards for single-family housing and commercial buildings and shall include the following information and additional design and performance standards:
- a. A consistent architectural design, including coordination of the building materials, colors, and architectural detailing, shall be used in each sub-neighborhood. Each sub-neighborhood shall include at least four different floor plan models and each model shall include at least three different exterior elevations;
  - b. House models shall utilize stepped or transitional front elevations wherever it is consistent with the architectural style, with alternating roof lines and forms, enhanced architectural features, featured entries and windows visible from the street, and decorative siding materials, entry doors and windows. Side and rear elevations visible from a street or public area shall also include decorative design elements. The relationship between the rooflines and walls shall be designed to avoid severe massing;
  - c. Building exteriors shall utilize high quality durable materials;
  - d. Each dwelling unit garage shall be equipped with a sectional (roll-up) garage door and an automatic garage door opening mechanism;
  - e. Gas stub-outs shall be provided on all fireplaces in project residences.
  - f. The minimum unobstructed interior dimension of garages shall be 20 feet by 20 feet, which shall be made available for parking two vehicles;
  - g. The minimum length of front yard on-site driveway aprons shall be 20 feet;

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- h. Front yard driveway aprons and walkways that utilize a decorative concrete surface finish, such as exposed aggregate or other quality finish, are encouraged;
- i. The maximum curb cut for a garage driveway shall be 20 feet;
- j. The maximum width of on-site driveway aprons shall be 18 feet for two-car garages;
- k. The width of garages shall not exceed 50 percent of the width of the structure frontage, in order to maintain living spaces overlooking the street. Three-car garages shall make one of the spaces a tandem space, unless otherwise allowed in the Site Plan Review process;
- l. Garage doors shall be designed in such a way to reduce their dominant appearance;
- m. Window sash shall be enameled aluminum or other approved type, and shall have the color and type tied to the architecture of the proposed dwelling units;
- n. Roofing material shall be decorative architectural concrete or clay tile or barrel shingles or slate shingles;
- o. Any building elevation, which is void of windows or door openings, shall be enhanced with architectural features;
- p. Above ground utility meters shall be located within the side yard of each of the dwelling units and shall be screened by plant material or other approved material and shall provide sufficient distance for reader access;
- q. An exterior hose bib connection shall be provided in the front and rear yards of each dwelling unit;
- r. A licensed architect shall be used to design the homes;
- s. Color renderings shall be prepared for each exterior building elevation and for selected street elevations;
- t. Dwellings on individual lots shall be sited in such a way as to preserve existing lot features, such as significant trees and rock outcroppings, to the extent feasible;
- u. On sloping lots, dwellings shall be set into the slopes to reduce the height and bulk of the structures and to avoid skirt walls that exceed 8 feet measured from the adjacent finish grade to the first floor elevation;



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- v. Colors and materials for dwellings and structures shall blend with the materials, vegetation, colors, and values found in the natural setting. Bright or harshly contrasting colors for walls and trim shall be avoided. Highly reflective roof and wall materials shall be prohibited. Plans shall avoid the use of "highly reflective roof or wall materials" and "bright or harshly contrasting colors for walls and trim";
- w. Southwest facing homes, the maintenance building and the golf clubhouse elevations shall avoid large, visible wall surfaces and shall be articulated to step back building heights along the southeast elevation;
- x. Entries shall be highlighted with a covered entry, porch or veranda;
- y. Elements such as bay windows, columns, porches, window boxes, shutters, chimneys, window and door trim shall be used to highlight special areas within each elevation;
- z. Whenever possible, windows and elevated decks and patios shall be placed to minimize impacts on the privacy of adjacent residences;
- aa. Site plans shall minimize the area of new impermeable surfaces and channel runoff through the slowest route to the extent possible.
- bb. The project design shall encourage a self-policing and a safe atmosphere by use of design features in buildings, landscaping, circulation and recreational facilities; such design shall be reviewed and approved by the City's Police Department.
- cc. Those improvements, except fences, that are placed on slopes, or within 10 feet of the tops of slopes, shall be approved for construction by a registered geotechnical engineer or certified engineering geologist.
- dd. The use of solar collectors for space and water heating to reduce natural gas consumption on the site is encouraged.
- ee. The developer shall consider solar exposure and wind conditions in the orientation of buildings and consider shadow patterns when siting building on lots, and establish building setbacks that will minimize shading of adjacent buildings.
- ff. The applicant/developer shall install energy-efficient appliances (i.e., freestanding stoves, refrigerators, etc.) and install flow-restrictors on sinks and showers to conserve water.
- gg. The applicant/developer shall minimize the total amount of concrete and asphalt paving. These areas collect and re-radiate heat from the sun. Ground cover and

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trees, in place of paved areas, cool the air in summer and shield structures from wind, thus reducing heating requirements in the winter.

- hh. Light-colored architectural treatments on interior surfaces to reflect more light, reducing lighting requirements and increasing apparent light is encouraged. Consider using skylights to reduce or eliminate the need for lighting. For exterior lighting, use low-sodium lamps that require less energy than other types of outdoor lighting.
- ii. For the dwellings with highly visible rear elevations, particularly abutting Hayward Boulevard and the proposed school/park site and along the western perimeter of the development, the rear elevations shall be designed with sufficient wall and roof offsets to avoid large flat wall surfaces and uniform rooflines. Variations in building setbacks and rear elevations shall also be implemented to minimize, to the extent possible, the uniform and linear appearance of dwellings along the ridgeline.
- jj. Landscape plans shall also include the front and street side yard areas of each lot visible from a public street. All rear yards abutting Hayward Boulevard, Fairview Avenue, and entry/ridge road shall include a minimum of two 24"-box trees, spaced 20 feet on-center unless the City Landscape Architect determines that there are sufficient screening street trees within the adjacent road parkways. For dwellings located along Hayward Boulevard, Fairview Avenue, the proposed school/park site, and the western perimeter of the development, landscaping shall be installed in the adjacent common area and/or within the private rear yards prior to certificate of occupancy to buffer the view of the dwellings. Trees and shrubs shall have forms that blend with the surrounding native vegetation shall be emphasized.
- kk. Residential units and landscaping shall incorporate water conservation measures.
- ll. Runoff from impervious surfaces such as patios and driveways should be directed away from natural areas and waterways that could be negatively affected by overwatering and toxic substances.
- mm. To the extent possible the applicant/developer shall avoid placing structures, utilities and fences on or near the top of slopes or in the shallow subsurface of slopes. For buildings, utilities and fences that are on or near the tops of slopes or in the shallow subsurface of slopes, or within 10 feet of the tops of slopes, a registered geotechnical engineer or certified engineering geologist shall approve the construction details. Potential measures for stabilizing structures affected by the impacts of creep could include extending foundations to below the creep zone, removal and replacement of creeping soils with non-expansive soils, or stabilization of creeping soil with lime-treatment or installation of geofabric.

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- nn. Topographic separation, i.e. berms, setbacks and special grading techniques shall be utilized to reduce flooding potential from the 1285 reservoir on proposed nearby homes.
  - oo. No habitable building shall be constructed within 150-feet of the P.G.&E. transmission line easement.
  - pp. For homes on streets 32-feet-wide, a minimum of three on-site parking spaces shall be provided on each lot, located behind the required front and sideyard setbacks.
178. For the lots within the development that border Hayward Boulevard and Fairview Avenue, unless a noise analysis confirms that noise levels will not exceed the interior standards contained in the City's Noise Element, sound walls and mechanical ventilation of dwellings that provides alternative to opening windows for ventilation will be required.
179. Staging for construction equipment shall be within the confines of the development area.
180. The applicant/developer shall submit a construction Best Management Practice (BMP) program for review and approval by the City Engineer prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all' subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
181. Prior to the issuance of the first building permit, the applicant/developer shall pay \$600,000 for acquiring a Type III wildland/interface fire engine or similar vehicle approved by the City's Fire Chief, and for modifications to Fire Station No. 5 to house the new vehicle. The developer may request reimbursement from other developers for the amount which exceeds his/her fair share allocation, through the establishment of a benefit district or through reimbursement if a previous developer has deposited funds, which the City shall not reasonably deny.
182. Fuel dispensing areas at the golf course maintenance yard must be paved with concrete extending a minimum of 8'- 0 from the face of the fuel dispenser and a minimum of 4'- 0 from the nose of the pump island. Fuel dispensing areas must be graded and constructed to prevent "runon" or runoff from the area. Fuel dispensing facilities must have canopies; canopy roof downspouts must be routed to prevent drainage flow through the fuel dispensing area. The golf course maintenance facility must have a spill cleanup plan. The fuel dispensing area must be dry swept routinely. Dispensing equipment must be inspected routinely for proper functioning and leak prevention. Fuel dispensing facilities must have canopies; canopy roof downspouts must be routed to prevent drainage flow through the fuel dispensing area. The facility must have a spill cleanup plan. The fuel

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dispensing area must be dry swept routinely. Dispensing equipment must be inspected routinely for proper functioning and leak prevention.

183. Vehicle/Equipment Washes: No vehicle or equipment washing activity associated with the golf course maintenance facility shall discharge to the storm drain system. Wash areas should be limited to areas that drain to an approved collection system. This wash area must be covered and designed to prevent "runon" and runoff from the area. A sign must be posted indicating the designated wash area. The collection system is subject to the review, approval, and conditions of the City Engineer

**PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

184. Prior to the construction of any structures on the site, the initial treatment of any adjoining fuel management zones shall be completed in accordance with the Walpert Ridge Specific Plan guidelines and the recommendations of the Fire Management Plan for the project.
185. A biologist with experience working with California red-legged frogs shall be present during all construction activities within red-legged frog habitat. Any red-legged frog found within the construction zone will be relocated to suitable protected habitat outside of the development envelope.

**Urban/Wildland Interface**

186. The developer/applicant shall be responsible for hiring a City-approved fire management consultant to determine which areas are subject to Category I or Category II of the City's Hillside Design and Urban/Wildland Interface Guidelines. Fire sprinklers and Class A roofs shall be required for all dwellings. Category I structures, which are defined as those structures located on development sites where maximum built-in fire protection measures are necessary due to nearby steep slopes or Wildland fuel loading, shall have the following:
- a. Enclose all roof eaves;
  - b. Provide double-paned windows for exterior windows, including windows in doors; any exception to this requirement must be granted by the Fire Chief only after written requests describing a proposed decorative front entry door is provided by the property owner.
  - c. Specify a one-hour fire-resistant rating or greater for exterior building materials;
  - d. Within 10 feet of a structure, construct fences with an open wire mesh or non-combustible material to prevent fire spreading to the structure.

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- e. Structures shall be set back at least 30-feet from the property line. Structures shall have a distance of 20-feet or more between them. Structures that do not meet these setbacks shall have 2-hour rated exterior walls, stucco exteriors and listed fire shutters on the facing walls.

Both Category I structures and Category II structures, which are defined as those structures located in the balance of the urban/wildland interface:

- a. Design roofs that will comply with a "Class A" non-combustible roof rating as outlined in State Building Code Section 3204, 1991 edition, i.e., do not use wood shake or treated wood shake roofs or on the side of the structure;
- b. Provide metal enclosures with ¼-inch metal mesh screens on all attic vents (side vents) and basement vents;
- c. Provide spark arresters with ¼-inch metal mesh screens on all chimneys. Homeowners' should inspect spark arresters every year to ensure mesh screen integrity;
- d. Fully sprinkler all structures, including garages and support facilities with residential fire sprinklers installed by a C-16 certified contractor to specifications listed in National Fire Protection Association Standards 13 and/or 13-D. The system shall utilize a 4 sprinkler head flow calculation. Flow to be 52 gpm. The water meter shall be a minimum 1-inch meter. Heads shall also be installed in integral porches or patios, which are part of, and attached to the structure. For each structure or facility, provide a minimum of two replacement heads for emergency replacement along with an appropriate wrench for changing sprinkler heads. Any exterior sprinkler system utilized to reduce spacing between structures shall comply with NFPA 13;
- e. Construct exterior decks with heavy timber or non-combustible materials, and enclose all sides with one-hour fire-resistive rated materials;
- f. Clearly address all structures at the curb and on the structure or facility per the City's Fire Department specifications. Numbers shall be clearly visible and legible from the street. Numbers to be on contrasting background;
- g. Restrict outdoor storage of firewood, kindling, or compost material within 30 feet of any structure, unless the material is stored in an approved bin or enclosure; and
- h. Locate chimneys at least 10 feet away from existing tree canopies
- i. The golf maintenance building shall install a smoke detection system with a central station alarm and the golf clubhouse shall maintain a supply of first aid and medical supplies as determined by the City Fire Chief.

**DURING CONSTRUCTION**

187. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
188. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan. Project related delivery and haul truck operations on offsite access roads shall be limited to the daytime, weekday, non-holiday hours (8:00 am to 5:00 pm) unless otherwise approved by the City Engineer.
189. The construction contractor shall submit for review and approval by the City Engineer and implement the following:
- (i) Use alternatively fueled mobile and stationary construction equipment wherever feasible. Use low sulfur fuels for all other equipment.
  - (ii) Maintain properly tuned equipment by performing low-No<sub>x</sub> tune-ups on all construction equipment. Contractors should be required to utilize equipment with recent (within 30 days) low-No<sub>x</sub> tune-ups to minimize No<sub>x</sub> emissions. This would apply to all diesel-powered equipment greater than 50 horsepower and periodic tune-ups (every 90 days) would be required for equipment used continuously for project construction.
  - (iii) Wherever feasible, utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
  - (iv) Employ construction activity management techniques, such as:
    - extending construction period and limiting the hours of operation of heavy duty equipment and/or the amount of equipment in use;
    - reducing the number of pieces used simultaneously;
    - limit idling time (e.g., five minutes maximum) of all construction equipment.
    - increasing the distance between emission sources;
    - develop a trip reduction plan to achieve 1.5 AVR (Average Vehicle Ridership) for construction employees.
190. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer.

**Conditions of approval for Zone Change No. 97-120-02**

- a. Grading and construction activities shall be limited to between 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekends or national holidays, unless otherwise approved by the City Engineer.
- b. Grading and construction equipment shall use state-of-the-art noise shielding and muffling devices.
- c. Unnecessary idling of grading and construction equipment shall be prohibited.
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units.
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to local complaints about construction noise and provide surrounding residents with a phone number and contact person to report noise complaints.
- f. The location of construction trailers or construction materials shall not be placed within 300 feet of occupied residential housing units, unless otherwise approved by the City Engineer.
- g. Daily clean up of construction related trash and debris shall occur on Hayward Boulevard and Fairview Avenue.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
- i. The site shall be enclosed along Hayward Boulevard and Fairview Avenue at all times with a temporary 6-foot-high chain link security fence or permanent wall or fence.
- j. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
- k. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- l. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- m. Sweep adjacent streets daily (with water sweepers) if visible soil material is carried onto adjacent streets.

**Conditions of approval for Zone Change No. 97-120-02**

- n. Apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10-days or more).
- o. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (i.e., dirt, sand, etc.)
- p. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- q. Install silt traps or settlement basins to minimize siltation of creek channels.
- r. During construction stop work orders shall be issued at any time access and water supply are not available.

191. Also during construction:

- a. Gather all construction debris on a regular basis and place in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15); 2) site dewatering activities, or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- f. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;



**Conditions of approval for Zone Change No. 97-120-02**

- g. Ensure that concrete/gunite supply trucks or concrete/plaster finishing operations do not discharge washwater into street gutters or storm drains; and
  - h. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15 and April 15 unless approved erosion control measures are in place.
192. Any water well unless proposed for use, cathodic protection well, or exploratory boring that is known to exist, is proposed, or is located during the course of field operations shall be properly destroyed, backfilled or maintained in accordance with applicable groundwater protection ordinances. The owner or other responsible party should call the Alameda County Flood Control District, Zone 7, (510) 443-9300, for additional information.
193. Grading and slope preparation activities shall be conducted under the supervision of a licensed Geotechnical Engineer and Certified Engineering Geologist. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
194. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer or representative to daily submit all testing and sampling reports to the City Engineer.
195. Per the approval of the City, the construction contractor shall implement a dust emission abatement program to reduce the effect of construction on PM<sup>10</sup> concentrations in the vicinity of the project site. Elements of this program shall include the following:
- Sprinkle all unpaved construction areas with water at least twice per day during excavation to reduce dust emissions. Additional watering shall be carried out on hot or windy days.
  - When feasible, cover stockpiles of sand, soil, and similar materials with a tarp.
  - Cover trucks hauling soil, sand and other loose debris or require all trucks to maintain at least two feet of freeboard to reduce spillage onto paved surfaces.
  - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

**Conditions of approval for Zone Change No. 97-120-02**

- Sweep up dirt or debris spilled onto both public and private paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over these surfaces.
- Require the construction contractor to designate a person or persons to oversee the implementation of an entire dust emission control program and to increase watering as necessary.

When site disturbance exceeds 4 acres, in addition to the above:

Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas, i.e., previously graded and inactive for ten days or more).

Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

Limit traffic speeds on unpaved roads to 15 miles per hour.

Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

Replant vegetation in disturbed areas as quickly as possible.

When site disturbance exceeds 10 acres, in addition to the above:

- Suspend excavation and grading activity when winds exceed 25 miles per hour.
- Limit the area subject to excavation, grading and other construction activity at any one time.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks or plant trees/vegetative wind breaks on the windward side(s) of construction areas, if practically feasible.

196. Per the approval of the City, the construction contractor shall implement measures that will promote environmentally sound construction practices:

- Maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and equipment shall be running only when necessary.
- Equipment shall also be kept in good condition and well-tuned, to minimize exhaust emissions.

**Conditions of approval for Zone Change No. 97-120-02**

197. The applicant/developer shall comply with other mitigation measures contained in the BAAQMD CEQA Guidelines (Table 2) for controlling dust at the construction site.
198. The applicant/developer shall re-establish ground cover immediately following completion of grading, or when construction will be postponed for more than one month in order to reduce erosion and runoff and to help re-establish plant associations.
199. The applicant/developer shall install suitable temporary barriers (fencing) around mature trees to be preserved, rock outcrops, drainage channels and watercourses, and other sensitive habitat areas during construction to prevent construction workers from inadvertently disturbing these areas.
200. A certified arborist shall monitor construction, assess tree damage, and recommend mitigation measures.
201. There shall be no construction staging near the Honcharenko Home and Worship site.
202. A biologist with experience working with California red-legged frogs shall be present during all construction activities within California red-legged frog habitat. Any California red-legged frog found within the construction zone will be relocated to suitable protected habitat outside of the development envelope.
203. A biological monitor with experience identifying and handling Alameda whipsnakes shall be present during all construction activities within coastal scrub habitats. Any whipsnake identified during scrub removal shall be captured if possible, and moved to suitable protected habitat.
204. Snake-proof fencing shall be in place during all construction activities adjacent to coastal scrub habitat so that snakes cannot move into the construction zone. The integrity of the fence shall be checked daily to ensure that snakes cannot get through the fence.

**PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

205. Prior to or at the time connection is made to the municipal sewer or water system pay the City of Hayward \$385 for each gross acre of all property within the applicable phase to be developed per the Hayward Boulevard Annex No. 2 Annexation Agreement executed September 16, 1982.
206. Prior to issuance of certificates of occupancy for residential buildings within villages, the golf course fairways irrigation and landscaping that is adjacent to those village shall be installed and the irrigation shall be operational. An interim irrigation plan may be approved by the City Engineer if the 2<sup>nd</sup> water tank is not yet accepted. Any adjacent fuel management zones shall be cleared and prepared per the fuel management plan.

**Conditions of approval for Zone Change No. 97-120-02**

207. The applicant/developer shall disclose in writing to potential homebuyers the 18-hole golf course and clubhouse, the swim/tennis club, the elementary school and neighborhood park, and shall disclose the potential nuisances that can be anticipated from nearby cattle grazing activity. The applicant/developer shall also disclose to any prospective buyers/lessees of the golf course or any property within the development that the City may require substantial reduction of the use of potable water as needed during periods of drought.
208. The applicant/developer shall provide each homeowner with an informational pamphlet, approved by the City's Fire Department that outlines the key issues concerning fire safety and the annual wildland fire threat. The informational pamphlet shall list key terminology and other information listed in the City's Urban/Wildland Interface Guidelines, including information on fire-safe landscaping, fuel management, and other fire safety practices.
209. The applicant/developer shall provide each homeowner with an informational pamphlet, approved by the Hayward Police Department that describes the City's Neighborhood Watch program and encourages the homeowners' association to establish a Neighborhood Watch or similar program for the development.
210. The applicant/developer shall provide each homeowner with an information document addressing preparation for earthquake hazards. This document shall describe the potential for strong ground shaking at the site, potential effects of such shaking, and earthquake preparedness procedures.
211. The applicant/developer shall pay the required Water Facilities Fee and the Sewer Connection Fee for each dwelling unit and for each commercial building at the rates in effect when utility service permits for each dwelling unit and for each commercial building is issued.
212. All required front and street side yard landscaping shall be installed prior to occupancy of each dwelling unit, unless otherwise approved by the City's Landscape Architect. Landscaping shall be installed within the private rear yards abutting Hayward Boulevard, Fairview Avenue and the entry/ridge road and the western perimeter prior to certificate of occupancy to buffer the view of the dwellings. Trees and shrubs shall have forms that blend with the surrounding native vegetation.
213. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy of any units.
214. The applicant/developer shall pay at the time of or before issuance of each certificate of occupancy, or final inspection if a certificate of occupancy is not required, \$1200 per residential single family unit, \$3.96 per gross square foot of retail/commercial building

**Conditions of approval for Zone Change No. 97-120-02**

and \$3.00 per gross square foot of office service building, except the elementary school building. This amount is in lieu of any required Supplemental Building Construction and Improvement tax.

- 215. An earthquake preparedness and emergency response plan shall be provided for each community facility, including the proposed school, swim/tennis center, maintenance building and golf course clubhouse.
- 216. During the 12-month period following the issuance of the 25<sup>th</sup> building permit, certificates of occupancy may be issued provided HUSD indicates that students residing in the affected dwelling units can be adequately and reasonably accommodated in an existing school. Subsequent to the 12-month period, certificates of occupancy shall be issued upon completion of the school.

**PRIOR TO OPENING THE GOLF COURSE FOR PLAY AND ONGOING REQUIREMENTS:**

- 217. Pursuant to the development agreement, if the operation of the golf course ceases for a continuous period of eighteen months and the owner does not resume operation of the golf course within 30 days after the City's written demand to resume operation, then subject to the right of the homeowners in the development to lease as provided in the Development Agreement, the City shall have the right to lease the golf course and related facilities for \$1.00 per year rental plus operating and maintenance expenses and property taxes. If the City exercises its right to lease the golf course and related facilities, the owner(s) shall provide public access to the course and facilities through the residential community. If operation of the golf course ceases because there is a lack of water supply from the City due to drought, such period of cessation shall not be counted for purposes of this condition.
- 218. A Certified Golf Course Superintendent shall head the golf course maintenance staff. A member of the maintenance staff shall have a qualified applicator certificate for landscape maintenance, right of way and aquatic weed control. The golf course irrigation system shall be computer controlled to allow adjustment based on climate and water use data. At least one of the lakes within the golf course will be used for irrigation needs.
- 219. The Golf Course Design and Management Plan, which shall include the Integrated Pest Management Plan, and the Water Quality Monitoring Plan shall be implemented throughout operation.
- 220. All golf carts shall be electric.
- 221. The applicant/developer shall provide opportunities for the general public to play on the course.
- 222. The applicant/developer shall provide an acceptable Fire Prevention Plan, an Earthquake Preparedness and an Emergency Response Plan for the golf course and clubhouse for

**Conditions of approval for Zone Change No. 97-120-02**

review and approval by the City Fire Department. First aid and medical supplies as determined to be needed by the City Fire Chief shall also be available at the site at all times.

223. In conjunction with the Chemical Applications Management Plan and the Water Quality Monitoring Plan, an environmental sampling of water downstream of the golf course at water quality monitoring wells shall be done on a regular basis and reported to the City Engineer.
224. Soil and foliage in fairways, greens and tees shall be tested at least once a year to determine need for fertilizer applications. Soil tests shall be performed prior to seeding to determine the proper fertilization rates for pre-seeding and post-seeding.
225. Fertilizer shall be stored indoors or in a storage facility that conforms to applicable regulations.
226. Organic wastes from the golf course shall be composted in designated areas on-site. Non-composted organic wastes and non-recycled materials must be removed from the site by a licensed solid waste hauler.
227. Maintenance equipment shall not travel through natural areas.
228. Turf grass areas shall not drain directly into protected wetland areas.
229. Fertilizers shall be allowed to be used on the golf course only during the dry season to avoid runoff of fertilizers into natural waterways.
230. Pesticides and herbicides used on the golf course shall be those approved by the Environmental Protection Agency.
231. The relevant portions of the Fuel Management Plan and the revised Fire/Emergency Services Plan shall be implemented throughout operation.
232. For any ponds used as mitigation habitat for California red-legged frogs approved by the responsible and permitting agencies:
  - a. No mosquito fish or insecticides shall be used in the ponds; all mosquitoes must be controlled by mosquito growth regulators that are proven to be safe for use around amphibians.
  - b. All created red-legged frog habitat shall be monitored by a qualified biologist at least once a year. Annual monitoring reports shall be prepared and submitted to the USFWS, CDFG and the City Planning Director. If at any time it is apparent that the created habitat is not functioning properly, remedial action shall take place. Prior to the opening of the golf course a security bond shall be posted by

**Conditions of approval for Zone Change No. 97-120-02**

the applicant/developer with the City of Hayward to ensure that funds are available for remedial activities.

- c. All created ponds and existing ponds to be preserved shall be monitored annually to determine if silt removal is necessary. If siltation of ponds is apparent, it shall be necessary to clean the ponds to remove the excess silt. The methods implemented for silt removal must be approved by USFWS.
- d. Ponds shall be drained annually for predator control. Prior to implementing any maintenance other than annual dewatering, the activities shall first be reviewed by a qualified biologist and then approved in writing by the USFWS.
- e. Signs shall be posted by any pond that let the people know that the ponds serve as essential habitat for California red-legged frog, a rare frog species, and that introduction of bullfrogs or fish into ponds could harm the California red-legged frogs.
- f. A Predator Control Plan shall be prepared by the applicant/developer's biologist and implemented.

233. If clubhouse dispenses alcoholic beverages, the conditions of operation shall be as follows:

- a. Commission by the permittee or any employee of the permittee of a criminal offense for which 1) the permitted establishment was the location where the offense was committed or where there is a direct correlation between the permittee's establishment and the criminal offense; and 2) such criminal offense is found detrimental to the public health, safety, or general welfare shall be independent grounds for permit revocation.
- b. Any violation by the permittee or any employee of the permittee of any rule or regulation issued by the Department of Alcoholic Beverage Control or any law concerning the sale and distribution of alcohol shall be grounds for permit revocation.
- c. The permittee shall provide and maintain exterior lighting for the establishment that is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent residential properties.
- d. The permittee shall provide and maintain interior lighting for the establishment which is adequate for the illumination and protection of the premises and which allows the unaided inspection of personal identification by members of the Hayward Police Department while inside the premises.

**Conditions of approval for Zone Change No. 97-120-02**

- e. The permittee shall maintain trash and garbage storage areas for the premises that are enclosed by a solid fence or wall and screened from the view of abutting properties and the public right-of-way.
- f. The permittee shall discourage patrons and visitors from loitering in public rights-of-way, parking areas, and in front of adjacent properties.
- g. Consumption of alcoholic beverages shall not be permitted on any property adjacent to the licensed premises which is also under the control of the owner of the liquor establishment.
- h. The permittee and all employees engaged in the dispensing of alcoholic beverages shall attend Responsible Beverage Service training within six months of approval of this project. Any employee hired after this permit is approved shall attend Responsible Beverage Service training within six months of his/her date of hire.
- i. The Chief of Police may require permittee to hire and maintain Uniformed Security Guards and may specify the number of guards and the hours they are to be on the premises whenever the Chief of Police determines such guards are necessary for the public's health and safety, or when problems at the premises place undue demands on the police service.

**PRIOR TO CITY ACCEPTANCE OF THE TRACT IMPROVEMENTS AS BEING COMPLETED AND ONGOING REQUIREMENTS**

- 234. All tract improvements, including the complete installation of all improvements relative to streets, equestrian and multi-use paths, bus shelters, fencing, sanitary sewer, storm drainage, water system, underground utilities, landscaping and irrigation, etc., shall be completed and the completion attested to by the City Engineer before acceptance by the City of such improvements within the relevant phase. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 235. The improvements associated with the Pacific Gas and Electric Company, the telephone company(s) and television cable provider shall be installed to the satisfaction of the respective companies.
- 236. All necessary signs for the relevant phase of development shall be installed before occupancy of the first dwelling unit.
- 237. The subdivider shall submit "as built" plans indicating the following:



**Conditions of approval for Zone Change No. 97-120-02**

- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, Cable TV, etc.; and
  - b. All site improvements, except landscaping species, buildings and appurtenant structures.
238. The soils engineer shall supply the City with "as built" drawings and reports of soil and underdrain conditions to assure proper documentation of the situation after completion.
239. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of public water mains and appurtenances.
240. As required by the Tree Replacement and Monitoring Plan, at the end of a 5-year mitigation monitoring period, at least 80-percent of the planted trees should be in good health. If the numbers of planted trees fall below an 80-percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100-percent of the original number of trees planted. Irrigation and follow-up monitoring shall be established over an additional 3-year period after any replanting occurs. Annual monitoring reports shall be submitted to the City Landscape Architect.
241. Upon acceptance of the 1285 pumping station, the water transmission line to the ~~"1490"~~ 1530 reservoirs and the two ~~4.15~~ 2.85 million gallon reservoirs, the applicant/developer may request the formation of an Acquisition Assessment District for reimbursement of the construction costs from the future property owners. If the applicant/developer intends to request such a district, it shall be disclosed to any prospective property owners.
242. A Use Permit must be approved by the Planning Commission for any additional Class 2 or Class 3, public or quasi-public telecommunications facilities as described in the City Municipal Code.
243. Prior to the approval of the last final map, or earlier as required by the U.S. Army Corps. Of Engineers, California Department of Fish and Game, or other responsible and permitting agency, the applicant/developer shall replace wetlands and stream channels in accordance with the relevant agencies' requirements and shall include the following requirements:
- a. Replacement of tree and shrub planting as specified under conditions of approval nos. 3.o, 3.p and 144;
  - b. Creation of pool environments through installation of native rock barriers (check dams) that have vertical drops on the downstream edge that are a minimum of 30 inches high;

**Conditions of approval for Zone Change No. 97-120-02**

- c. The vertical drop below native rock barriers shall be greater than 36 inches in order for water scouring to create pool environments;
  - d. Recreated wetland habitats shall be installed to remain inundated or saturated for sufficient duration to support a prevalence of hydrophytic vegetation, exhibit plant and invertebrate species richness comparable to the impacted wetlands, if created to mitigate impacts to California red-legged frogs-have the ability to remain inundated on a perennial basis.
244. Wetlands and pools shall be monitored annually by the applicant/developer's qualified biologist to document hydrology, plant colonization, and use by wildlife over a minimum of a five-year period, or until mitigation is considered successful. All mitigation and monitoring requirements shall be coordinated with the U.S. Army Corps. Of Engineers, U.S. Fish and Wildlife Service and California Department of Fish and Game. Monitoring reports shall be prepared annually and submitted to these agencies and the City Director of Community and Economic Development/Planning Director.
245. All landscaping in public rights of way and all slope reforestation and revegetation shall be maintained for a minimum of one-year following completion before the landscape performance bonds shall be released by the City Landscape Architect.
246. Where conditions of approval may conflict with one another or other documents relating to the project, the more restrictive shall apply.
247. Any proposed modification of the Planned Development zoning on the front nine-holes of the golf course or within the location of the former Village G to a non-recreation or non-open space use shall be submitted to the voters for approval.



## **CITY OF HAYWARD AGENDA REPORT**

**AGENDA DATE** January 27, 1998  
**AGENDA ITEM** \_\_\_\_\_  
**WORK SESSION ITEM** \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Consideration of Implementing Documents Relating to the Approval Action of the Blue Rock Country Club Development - Walpert Ridge Specific Plan Amendments and Preliminary Plan

### **RECOMMENDATION:**

Reaffirm approval.

### **DISCUSSION:**

On January 13, 1998, the City Council approved the Blue Rock Country Club development proposal, including the environmental documents relating to the project. In their approval action, City Council required that the project reflect the following changes.

- Redistribution of the housing planned for "Neighborhood G" (which is a knoll on the eastern portion of the project site) throughout the other designated residential neighborhoods.
- Limiting vertical cuts on the southerly nine holes of the golf course to no more than 20 feet.
- Relocation of the tennis-swim center to reduce grading and to preserve some of the native trees and shrubs.
- Requiring that grading on the driving range be minimized.
- Requiring that grading be kept a minimum of 75 feet from "Three Oaks Knoll," with the understanding that a minimum distance of 100 feet is desirable.
- Requiring that the project will be upscale.
- Requiring the applicant/developer and staff to continue to explore relocation of the golf course maintenance building away from the Bay Ridge Trail and a ridgeline.
- Requiring realignment of the Bay Ridge Trail.

**Mayor and City Council**  
**Meeting of January 27, 1998**

- With regard to the time permitted for the golf course to be non-operational, an exception to the time will be allowed if the golf course becomes non-operational due to lack of City water during a drought.
- Requiring that any non-recreational or non-open space use within "Neighborhood G" and/or the front nine golf course holes necessitates a vote by the public.

The Preliminary Plan (Exhibit D) reflects the conceptual development plan. This plan will be amplified at the Precise Plan stage of the review process to further refine and reflect the changes required by City Council at the January 13, 1998, City Council meeting and all conditions of approval.

City Council's action approving the project included conceptual approval of the Walpert Ridge Specific Plan. The Walpert Ridge Specific Plan, as amended, is attached (Exhibit A). Amendments are indicated by underscoring or strike throughs. The amendments reflected in the document include those approved as part of the Bailey Ranch development (approved on November 18, 1997) and the Blue Rock Country Club development. The Bailey Ranch amendments relate to an increase in unit allocation, allowing padded lots, allowing a passive instead of active park and allowing an emergency vehicle access instead of public connection through the Blue Rock Country Club development. The Blue Rock Country Club amendments include, among others indicated in the Plan, an increase in unit allocation; padded lots; provisions for smaller lots; a private, gated community; a golf course; an up-front elementary school.

In addition to refinements to the Preliminary Plan and the amendments to the Walpert Ridge Specific Plan, the City Council's approval actions have been incorporated into the conditions of approval. A copy of the amended conditions of approval are attached (Exhibit B) and become part of the Development Agreement.

Attached is the draft resolution (Exhibit C) confirming amendments to the Walpert Ridge Specific Plan, the revised preliminary development plan, and amendments to the conditions of approval.

**Prepared by:**

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Dyana Anderly, AICP  
Development Review Services Administrator

**Mayor and City Council**  
**Meeting of January 27, 1998**

**Recommended by:**

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Sylvia Ehrental  
Director of Community and Economic Development

**Approved by:**

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Jesús Armas  
City Manager

**Exhibits:**

- A- Walpert Ridge Specific Plan
- B- Amended Conditions of Approval
- C- Draft Resolution
- D- Preliminary Plan

K:\DRSGroup\CCReport\Blue Rock Country Club

1/23/98

**Addendum to Conditions of Approval**  
**Vesting Tentative Map 5354**  
**Precise Plan**  
**Blue Rock Country Club**  
**July 25, 2002**

In those instances where the applicant/developer is required to construct an off-site facility but the facility is already constructed by another developer, the applicant/developer of this subdivision shall be required to pay the established pro-rata share of the construction costs.

1. The Hayward City Council approved General Plan Amendment No. 97-110-04 and Zone Change Application No. 97-210-01, with the associated Development Agreement, on January 27, 1998, as conceptually depicted on the preliminary development plan, subject to specific conditions of approval. All conditions of approval adopted as part of the Development Agreement, unless specifically amended by the City Council during a public hearing, shall remain in effect; the Blue Rock Country Club Design Guidelines, as amended, shall apply to development of the site; all mitigation measures outlined in the Supplemental Environmental Impact Report and subsequent Addendum shall apply, except and where superceded by the Mitigation and Monitoring Plan, Blue Rock Country Club Project (Corps File No. 21586S), which shall apply; and all conditions of approval indicated below required by action of the City Council on \_\_\_\_\_, 2002, shall apply.
2. Prior to approval of the first final map the developer shall demonstrate an ability to the City that all aspects and amenities of the project, including the club house, will be completed in a timely manner and in compliance with the approved phasing plan.
3. Prior to the approval of the first Final Map and consistent with habitat mitigation plans approved by responsible agencies, the developer shall provide a detailed enhancement plan that shows the proposed locations of enhancements of natural habitats on the project site that are outside of the development footprint. The enhancement plan shall include typical layouts of these proposed elements. This will include 10 scale detailed layouts that clearly show how these natural appearing landscape elements will fit into the site. A smaller scale may be used for specified areas when approved by the Planning Director. For example, rock outcroppings will resemble natural rock outcroppings in shape, size, color of rock, surface finish, and other visual qualities as well as providing usable natural habitat for species of plants and animals that may have been displaced by construction. Enhancement of non-native and other annual grassland shall include seeding and/or planting plugs of native California grass species in proposed open space areas and on graded slopes. Enhancement of the oak forests and coastal sage scrub shall include planting of native trees and shrubs typical of those plant communities.
4. Prior to approval of the first final map, the developer shall provide a plan to show how new reservoir tanks will be painted and screened, including such measures as berms and landscaping.
5. No blasting will be approved without first obtaining a blasting permit approved by the City Fire Chief and City Engineer.

6. The Blue Rock Country Club Design Guidelines shall be modified as follows:

- a. A provision shall be added under "Single Family Lot Standards & Setbacks allowing for reducing side and rear yard setbacks in Village C.
- b. A provision shall be added under "Utilities and Easements" (Section 2.1.4) requiring electrical transformers to be installed underground.
- c. Under Section 3.2, Building Massing, Specific Guidelines, add a provision requiring that any building elevation which is void of windows or door openings shall be enhanced with architectural features.
- d. Under 3.2, Building Massing, Specific Guidelines, require that the rear elevations of dwellings with highly visible rear elevations, particularly abutting Hayward Boulevard, Fairview Avenue, open space used by the public, the proposed school/park site, and golf course and along the western perimeter of the development, be designed with sufficient wall and roof offsets to avoid large flat wall surfaces and uniform roof lines. Variations in building setbacks and rear elevations shall also be implemented to minimize, to the extent possible, the uniform and linear appearance of dwellings along the ridgeline.
- e. Guideline (3.4.2.b.) allowing 40 percent of the homes to have garages whose widths exceed 50 percent of the width of the front structure is eliminated, and City guidelines relative to the presence of garage doors as seen from the street apply.
- f. A section under "Garages and Driveways" (3.4.2.f) that would allow garages in rear yards *except* on lots that front on the golf course or the rear of view lots shall be expanded so that garages shall also not be allowed in required rear yards along the periphery of the project so as to minimize visual impacts of the project as seen from off-site.
- g. Under Section 3.4.2, Garages and Driveways, require garage to be equipped with a sectional (roll-up) garage door and an automatic garage door opening mechanism;
- h. Under Section 3.4.2, Garages and Driveways, require driveway aprons and walkways to utilize a decorative concrete surface finish, such as exposed aggregate or other quality finish;
- i. Under Section 3.4.3, Windows, require window sashes to be enameled aluminum or other approved type, and to have the color and type tied to the architecture of the proposed dwelling units;
- j. Under Section 3.5, Exterior Materials & Colors, include a restriction against the use of bright or harshly contrasting colors for walls and trim.
- k. A section under "Accessory Structures" (3.6.1) allows accessory structures, which would include garden sheds, utility storage, pool cabanas, and green houses, in rear yards except where adjacent resident's views would be obstructed. This section shall

be amended to also prohibit accessory structures in required rear yards along the periphery of the project, where visible to the general public, so as to minimize visual impacts of the project as seen from off-site.

- l. Under "Accessory Structures," add a requirement that addition of any structures/window protection devices intended to deflect errant golf balls be first approved by the Architectural Committee of the homeowners' association.
- m. Under the Landscape section (4.1), relating to tree preservation, the City of Hayward Tree Preservation Ordinance shall be referenced so as not to minimize the effects and consequences of removing native trees.
- n. Add a provision that on sloping lots, dwellings shall be set into the slopes to reduce the height and bulk of the structures and to avoid skirt walls that exceed 8 feet measured from the adjacent finish grade to the first floor elevation.
7. Prior to approval of each final map, an easement covering the fuel management zone shall be described, approved by the City Engineer, and recorded.
8. Any slope surface terrace drains or down drains shall be lined with natural rock and chemically color treated to match existing rock outcroppings.
9. Decorative pedestrian crossings shall be installed in the vicinity of the school where the pathway from Village A meets the main paseo and where access from the Village A roadway meets the main paseo in the vicinity of the roundabout.
10. Prior to the issuance of a building permit, a plan shall be submitted for review by the City's Solid Waste Manager for recycling of all demolition debris, excess building materials and other construction debris, to the maximum extent feasible. The applicant shall provide documentation to the satisfaction of the Solid Waste Manager that such demolition and construction debris are being recycled. Furthermore, the recycling plan shall identify building materials and related products made of recycled content to be used on the project.
11. Prior to issuance of a grading permit, the applicant shall update existing Phase I Environmental Assessments to incorporate entire site development.
12. Fiber optic communications capability will be provided to all new homes.

This vesting tentative map expires coincident with the expiration of the Development Agreement approved by the City Council in January 1998.